

# Agenda

## Licensing sub-committee

Date: **Tuesday 21 August 2018**

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Time: **2.00 pm**

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Place: **Committee Room 1, The Shire Hall, St Peter's Square,  
Hereford, HR1 2HX**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Caroline Marshall, Governance Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor DW Greenow  
Councillor KS Guthrie  
Councillor AJW Powers

## Agenda

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'THE GRANDSTAND, GRANDSTAND ROAD, HEREFORD. HR4 9NH - LICENSING ACT 2003</b>  To consider an application for a variation to a premises licence for The Grandstand, Grandstand Road, Hereford. HR4 0AF.	11 - 40
<b>5. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'THE DEN, 16-17 BRIDGE STREET, HEREFORD. HR4 9DF' - LICENSING ACT 2003</b>  To consider an application for a new premises licence in of 'The Den, 16-17 Bridge Street, Hereford. HR4 9DF.	41 - 80



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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•  
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## **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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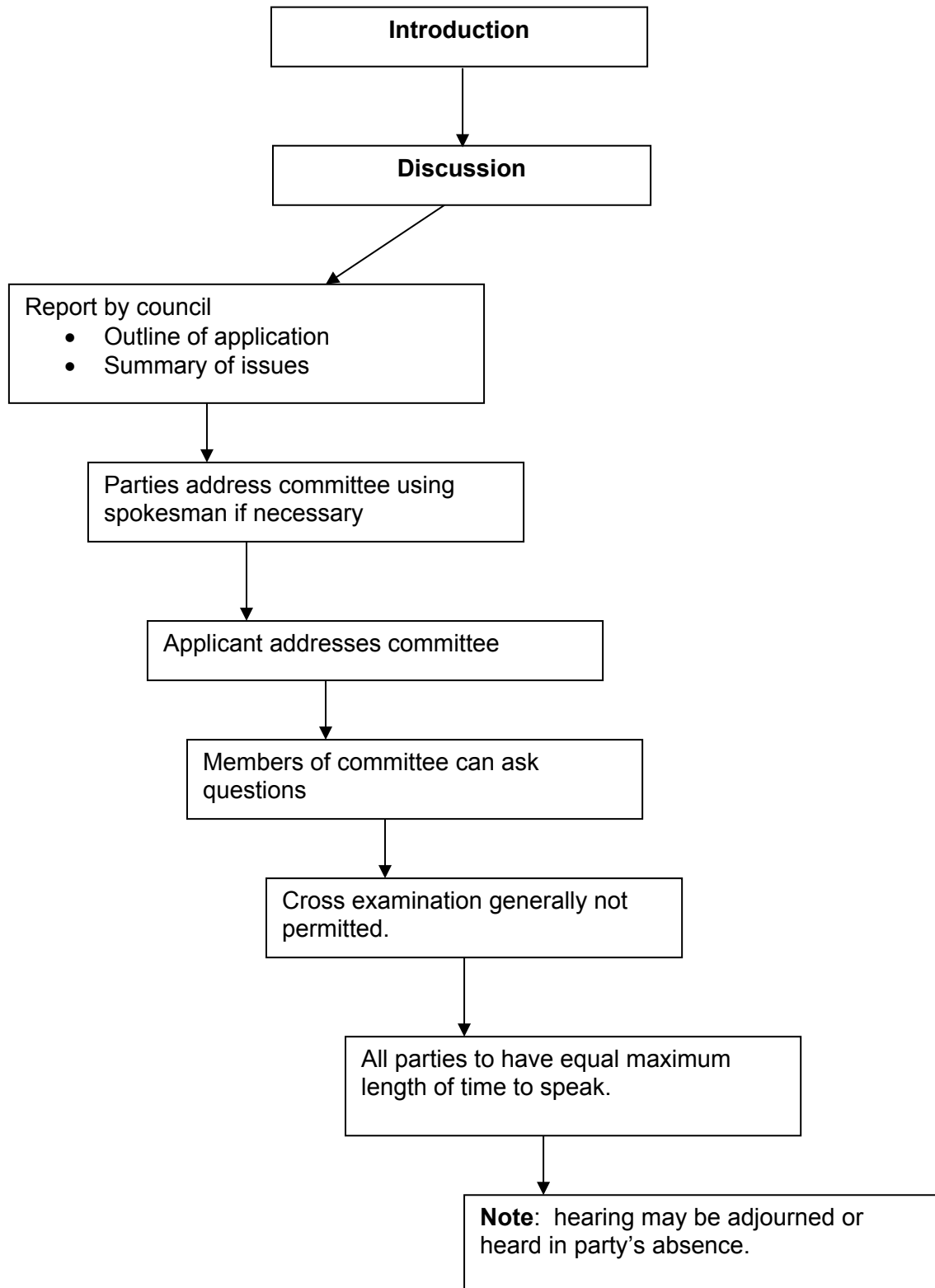
Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>21 August 2018</b>
<b>Title of report:</b>	<b>Application for a variation of a premises licence in respect of 'The Grandstand, Grandstand Road, Hereford. HR4 9NH – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing technical officer</b>

### **Classification**

Open

### **Key Decision**

This is not an executive decision.

### **Wards Affected**

Widemarsh

### **Purpose**

To consider an application for a variation to a premises licence for The Grandstand, Grandstand Road, Hereford. HR4 0AF.

### **Recommendation**

**THAT:**

**The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:**

- **The steps that are appropriate to promote the licensing objectives,**
- **The representations (including supporting information) presented by all parties,**
- **The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

## Options

1. There are a number of options open to the Sub-Committee:
  - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
  - b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
  - c) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - d) To refuse to specify a person in the licence as the premise supervisor, or
  - e) To reject the application.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### Licence Application

3. The application for a variation to a premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	Greene King Retailing Limited	
Solicitor	N/A	
Type of application:	Date received: 25 May 2018	28 Days consultation ended 22 June 2018

### Summary of Application

5. The application (appendix 1) requests to vary premise plans to extend the licensable area

### Summary of Representations

6. Two (2) Representations have been received from the Responsible Authorities (Trading Standards and West Mercia Police) which have not been agreed and can be found at Appendix 2 and 3.

7. A comment was received by the ward councillor for the area which can be found at Appendix 4.

## **Community Impact**

8. Any decision is unlikely to have any impact on the local community.

## **Equality duty**

9. There are no equality issues in relation to the content of this report.
10. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
11. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## **Financial implications**

12. There are unlikely to be any financial implications for the authority at this time.

## **Legal Implications**

13. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
14. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
15. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
16. In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

17. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
18. This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:  
  
'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
19. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

20. Schedule 5 gives a right of appeal which states:  
  
An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.
21. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

22. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

## **Consultees**

23. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

Appendix 1 - Application Form  
Appendix 2 - West Mercia Police Representation  
Appendix 3 - Trading Standards Representation  
Appendix 4 - Ward Councillor Comment

## **Background Papers**

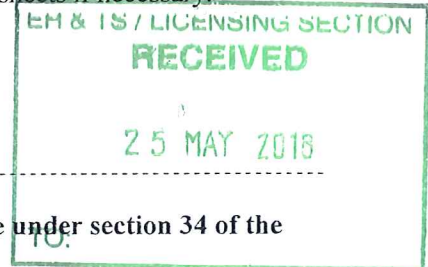
None.

## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.



I/We Greene King Retailing Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

## Premises licence number

PR00792

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Grandstand  
Grandstand Road

Post town

Hereford

Postcode

HR4 0AF

Telephone number at premises (if any)

01432 370867

Non-domestic rateable value of premises

£100,000

## Part 2 – Applicant details

Daytime contact telephone number	01284 763222		
E-mail address (optional)	licensing@greeneking.co.uk		
Current postal address if different from premises address	Greene King Retailing Limited Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To vary the licensing plans to include the following:

- General refurbishment
- Block up existing entrance and relocate to adjacent elevation (which previously contained a main entrance)
- Increase the trading area by removing the internal lobby and partitions

For full and further details please view the licensing plans.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

As per premises licence granted

**b) The prevention of crime and disorder**

As per premises licence granted

**c) Public safety**

As per premises licence granted

**d) The prevention of public nuisance**

As per premises licence granted

**e) The protection of children from harm**

As per premises licence granted

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant,**



Date	24 <sup>th</sup> May 2018
Capacity	Licensing Assistant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15) Hannah Loynds Greene King Retailing Limited Westgate Brewery			
<b>Post town</b>	Bury St Edmunds	<b>Post code</b>	IP33 1QT
<b>Telephone number (if any)</b>	01284 714140		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> licensing@greeneking.co.uk			

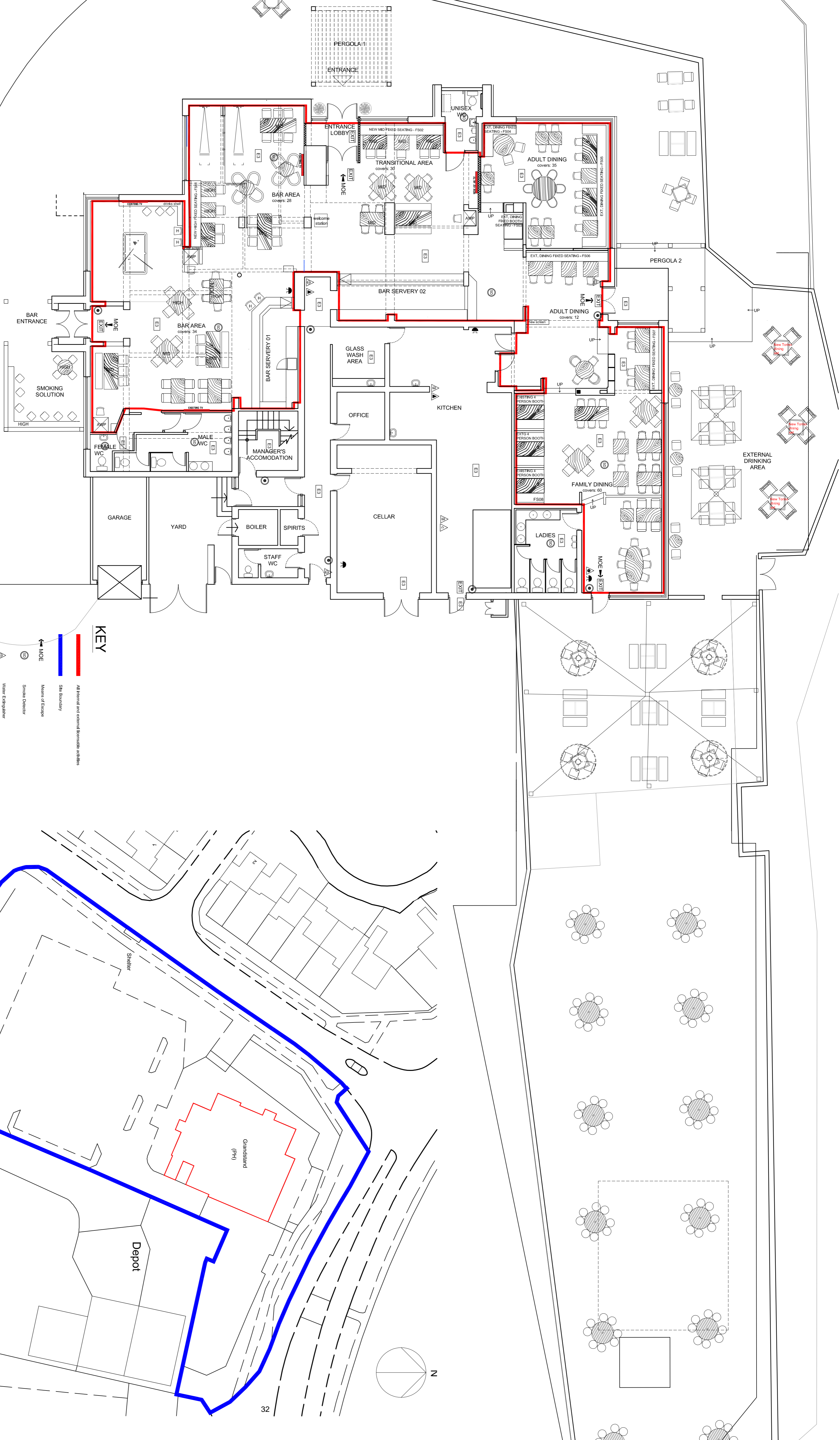
**d.m.p.**  
**designmanagementpartnership**  
 8 Brude Street, Cardiff, CF10 5dt  
 T +44(0)29 2064 4829  
 F +44(0)29 2064 4831  
 E mail@designmanagementpartnership.com

NO.	DATE	REVISIONS
001	17.05.18	Issue for planning
002	17.05.18	Finalise drawing

Scale: 1:100  
 Title: Ground Floor Plan  
 Project: The Grandstand for Greene King  
 Drawing No: 17.112

## GROUND FLOOR PLAN

Scale 1:100 @ A1



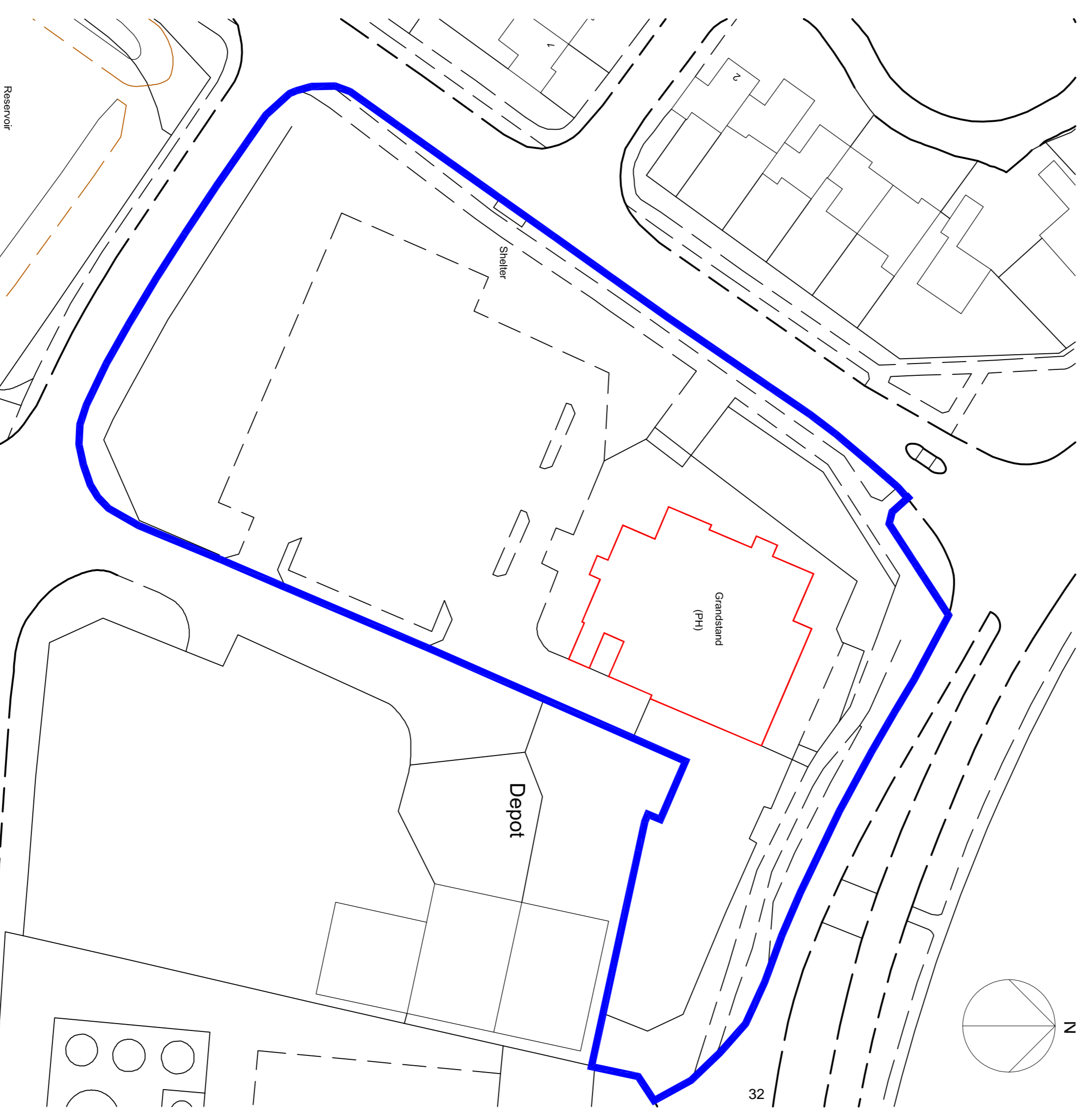
### KEY

- All Internal and external accessible sections
- Site Boundary
- Means of Escape
- M.O.E
- Smoke Detector
- Water Firefighting
- Emergency exit light 1 hour non-maintained with photogram
- Emergency exit light 3 hour non-maintained
- Manual Callpoint
- Carbon Dioxide Firefighting
- Foam Firefighting
- Chemical Firefighting
- Fire blanket in kitchen
- Alarm Bell
- AWP

NOTE: Structural boundaries of the walls, columns and other walls are not shown. They may be added to the drawing as necessary and where applicable in liaison with the Fire Officer. Outline areas are to be used for the consumption of alcohol.

## SITE LOCATION PLAN

Scale 1:500 @ A1



NO.	DATE	REVISIONS
001	17.05.18	Issue for planning
002	17.05.18	Finalise drawing

Scale: 1:100  
 Title: Licensing Plan  
 Project: The Grandstand for Greene King  
 Drawing No: 17.112



## NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a location known as **The Grandstand, Grandstand Road, Hereford.**

The application is to vary the layout of the premises and to extend the external areas of the premises.

West Mercia Police do not object to this application and have been in discussions with the applicants agent with regards to existing conditions that form part of the current premises licence. It is clear that the vast majority of these conditions are no longer relevant as they are not enforceable, or relevant or form part of other legislation and therefore should not form part of the premises licence.

**As part of the discussions with the applicant is agreed that it would be reasonable to remove all existing conditions that are attached to the current premises licence - with the exception of the mandatory conditions - and replace them with conditions that are proportionate, achievable and enforceable. In doing this it will make the premises licence more manageable and therefore conditions will be achievable and enforceable. It is understood that this is a matter for the authority to decide on, if the applicant requests this to happen.**

Therefore based on this suggestion, West Mercia Police have the following representations:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped, recordings MUST be kept in date order,

numbered sequentially and kept for a period of 31 day and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised

Herefordshire Trading Standards Officer or the Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be

maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately

2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

3. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All existing staff to

be trained within three months of this condition appearing on this licence. All staff shall be re-trained twelve monthly thereafter. The training shall included:

Drugs Awareness

Conflict resolution  
Selling to under age person  
Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This

shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be

kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by

Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

5. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an

'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) all ejections of patrons
- (c) any complaints (relevant to the licensing objectives) received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

6. No open containers containing alcohol will be removed from the premises.

7. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

8. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

9. External areas of the premises shall not be used after 2300hrs - save for purely for customers smoking and not being in possession of an open vessel containing alcohol whilst being in the area.

10. No person under the age of 18 years shall be permitted to be on the premises after 2200hours unless accompanied by and supervised by a person over the age of 18 years.

11. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

12. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).



Dear Hannah Loynds

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application for a premises licence variation for Grandstand, Grandstand Road, Hereford, HR4 0AF.

Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

After looking at the application under the section protection of children from harm we would seek to include the following conditions on the premises licence:

1. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
2. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

If you agree to these conditions could you email me stating you agree and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk); or

If you wish to discuss this matter further please do not hesitate to contact me on 01432 260163, [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)

Kind regards

**Herefordshire.gov.uk**

---

Leah Wilson  
Trading Standards Officer  
Environmental Health and Trading Standards  
Economy, Communities and Corporate Directorate  
Hereford Council  
01432 260163  
[lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)  
[lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

8 St Owens Street  
Hereford  
HR12PJ



**From:** Andrews, Polly (Cllr)  
**Sent:** 29 May 2018 09:56  
**To:** Licensing <licensing@herefordshire.gov.uk>  
**Subject:** RE: Memo to RA's, App to Variation of a Premise Licence - The Grandstand

Just a comment on the 'public nuisance@ The pubhouse is opposite residential housing , who might not like/appreciate late night music.

**From:** Licensing  
**Sent:** 25 May 2018 15:15  
**To:** Andrews, Polly (Cllr)  
**Subject:** RE: Memo to RA's, App to Variation of a Premise Licence - The Grandstand

Hi all

Please see attached memo for a Variation of a Premise Licence.

Please respond to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk) if you have any comments/reps

Thanks  
Emma

**Licensing Section**  
**Herefordshire Council**  
**Tel: 01432 261761**  
**Fax: 01432 261982**  
**Email: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**  
**Post: Licensing Section, 8 St. Owens Street, Hereford, HR1 2PJ**

## Herefordshire.gov.uk

**Please note: - Licensing operate an up to 5 working day call/email back system.**

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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Save paper - please only print out this message if you really need to.







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>21 August 2018</b>
<b>Title of report:</b>	<b>Application for a new premises licence in respect of 'The Den, 16-17 Bridge Street, Hereford. HR4 9DF' – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing technical officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central

## Purpose

To consider an application for a new premises licence in of 'The Den, 16-17 Bridge Street, Hereford. HR4 9DF.

## Recommendation

**THAT:**

**The sub-committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:**

- **The steps that are appropriate to promote the licensing objectives,**
- **The representations (including supporting information) presented by all parties,**
- **The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

## Options

1. There are a number of options open to the Sub-Committee:
  - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
  - b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
  - c) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - d) To refuse to specify a person in the licence as the premise supervisor, or
  - e) To reject the application.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### Licence Application

3. The application for a new premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	The Den Hereford Limited	
Solicitor	N/A	
Type of application: <b>New</b>	Date received: 7 June 2018 Re-start consultation 6 July 2018	28 Days consultation ended 5 July 2018 End of re-started consultation 2 August 2018

### Summary of Application

5. The application (appendix 1) requests a new premises licence to allow the following licensable activities, during the hours shown as follows:

Live Music, Recorded Music (Indoors/Outdoors)  
Monday – Sunday 09:00 – 23:00

Sale/Supply of Alcohol (consumption on and off the premises)  
Monday – Sunday 09:00 – 24:00

Late Night Refreshment  
Monday – Sunday 23:00 – 24:00

Non-Standard Times  
From start of licensable hours NYE until 02:00 NYD

6. The consultation period had to re-start, as the applicant failed to advertise in a local newspaper which is a requirement under Section 25 (b) of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

### **Summary of Representations**

7. One (1) Representation has been received from the Responsible Authorities (Environmental Protection) which has been agreed by the applicant and can be found at Appendix 2.
8. Two public representations have been received and accepted by the Licensing Authority as being relevant (Appendix 3 & 4)
9. Five (5) further public representations were also received but deemed irrelevant so therefore were not accepted by the Licensing Authority.

### **Community Impact**

10. Any decision is unlikely to have any impact on the local community.

### **Equality duty**

11. There are no equality issues in relation to the content of this report.
12. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
13. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

### **Financial implications**

14. There are unlikely to be any financial implications for the authority at this time.

## Legal Implications

15. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
16. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
17. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
18. In this case it was summed up that: -  
  
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
19. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
20. This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:  
  
'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.  
In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## Right of Appeal

21. Schedule 5 gives a right of appeal which states:  
  
An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.  
  
The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## Risk Management

22. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

## **Consultees**

23. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

Appendix 1 - Application Form

Appendix 2 - Environmental Protection Representation

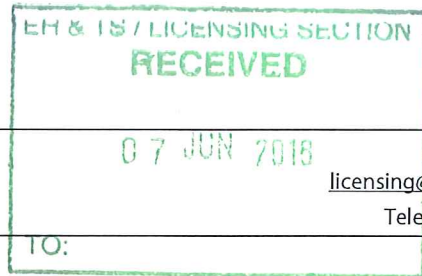
Appendix 3 - Public Representation

Appendix 4 - Public Representation

## **Background Papers**

None.





7/6  
S/A

**Herefordshire**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
 Telephone: 01432 261761

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant with outdoor seating area serving bistro-British style food and offering alcoholic beverages. Relocated from a smaller premise to a new larger premise due to customer demand. We plan to carry over conditions from our previous licence to ensure we continue to endorse the licensing objectives.

**Continued from previous page...**

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 09:00

End 23:00

Start

End

THURSDAY

Start 09:00

End 23:00

Start

End

FRIDAY

Start 09:00

End 23:00

Start

End

SATURDAY

Start 09:00

End 23:00

Start

End

SUNDAY

Start 09:00

End 23:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Occasional performances (amplified and un-amplified)

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From start of licensable hours on New Year's Eve until 02:00 New Year's Day

Continued from previous page...

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music to be played through speakers into restaurant, low level and background

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From start of licensable hours on New Year's Eve until 02:00 New Year's Day

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

From start of licensable hours on New Year's Eve until 02:00 New Year's Day

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises  Off the premises  Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.



**Continued from previous page...**

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From start of licensable hours on New Year's Eve until 02:00 New Year's Day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Jade

Family name

Owen

Date of birth

dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

Herefordshire Council

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From start of opening hours on New Year's Eve until 02:00 New Year's Day

### Section 18 of 21

#### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.  
Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.  
A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.  
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.  
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.  
The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the

*Continued from previous page...*

system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.

c) Public safety

PS4 First aid

A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

Electrical & Gas Installations

All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Capacity limits

The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

d) The prevention of public nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.

*Continued from previous page...*

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

*Continued from previous page...*

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

\* The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="The Den (Bridge Street)"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

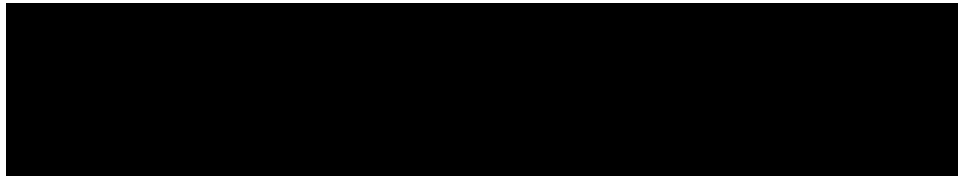
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >



**Consent of individual to being specified as premises supervisor**

I Jade Owen  
*[full name of prospective premises supervisor]*

of



.....  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Circuit  
*[type of application]*

by

The Den Hereford Limited  
*[name of applicant]*

relating to a premises licence .....  
*[number of existing licence, if any]*

for The Den  
16-17 Bridge Street  
Hereford  
HR4 9DF

.....  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

The Den Hereford Ltd

[name of applicant]

concerning the supply of alcohol at

The Den  
16-17 Bridge Street  
Hereford  
HR4 9DF

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

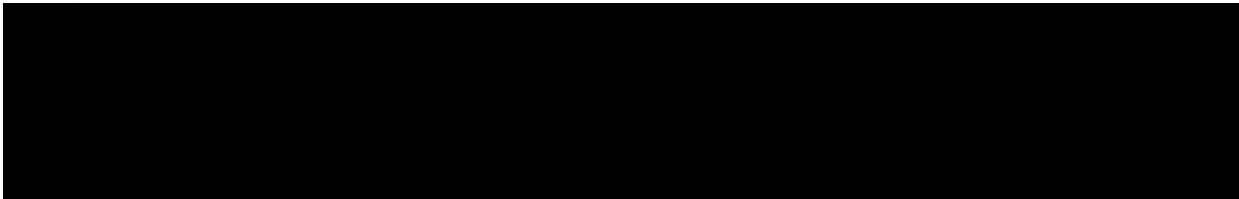


[insert personal licence number, if any]

Personal licence issuing authority

Herefordshire Council

[insert name and address and telephone number of personal licence issuing authority, if any]

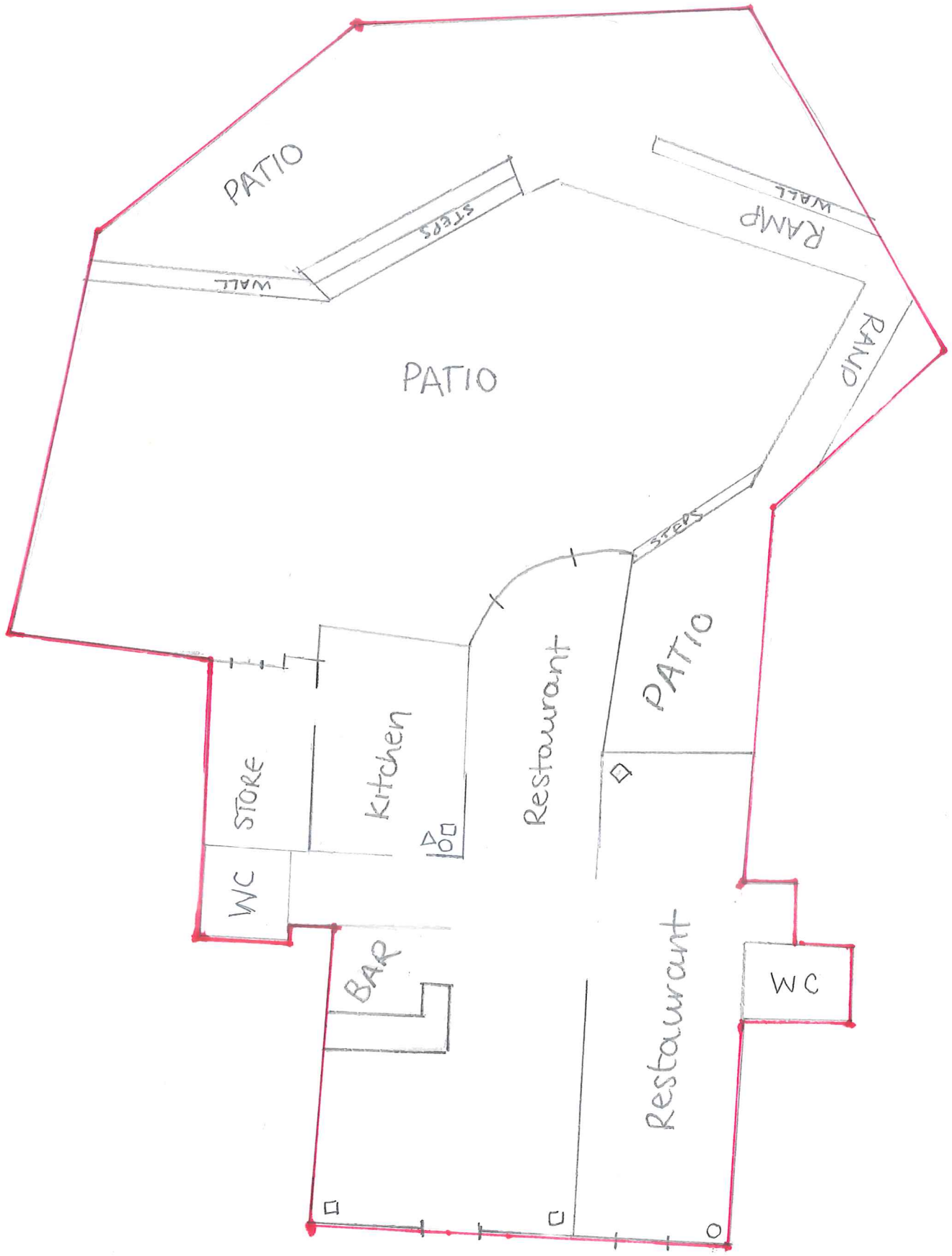


Name (please print)

JADE OWEN

Date

6.6.18



The Den  
 16-17 Bridge Street  
 Hereford  
 HR4 9DF

- FOAM Extinguishers
- WATER Extinguishers
- △ FIRE BLANKET

- Licensable activity + consumption of alcohol <sup>70</sup> DATE: 7/6/18

**Environmental Protection Representation – The Den**

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application for a premises licence

After looking at your application under the section of Prevention of Public Nuisance, we would seek to include the following conditions on the premises licence:

1. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernible' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
2. Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least 60 /minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
3. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.
5. No outside area shall be used for licensable Activities or consumption of alcohol from 23:00 Friday and Saturday, and 22:30 Monday to Thursday, Sunday 22:00 and from 00:00 (midnight) on New Year's Eve

If you agree to these conditions could you email me at [Vince.McNally@herefordshire.gov.uk](mailto:Vince.McNally@herefordshire.gov.uk) stating you agree and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk); or

If you wish to discuss this matter further please do not hesitate to contact me on 01432 261761 [Vince.McNally@herefordshire.gov.uk](mailto:Vince.McNally@herefordshire.gov.uk)

Kind regards

Vince McNally

*Environmental Health Officer*





Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
 Herefordshire Council,  
 8 St Owen Street,  
 Hereford,  
 HR1 2PJ**  
 licensing@herefordshire.gov.uk

**HEREFORDSHIRE COUNCIL  
 Licensing Act 2003**

**REPRESENTATION FORM – INTERESTED PARTIES**

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

**When completing this form please print clearly and legibly.**

<b>Your Name:</b> Ben Turner	<b>Contact Telephone No.</b> 07867432900
<b>Address:</b> Flat 1 16 Bridge Street Hereford HR49DF	<b>E-mail address:</b> <a href="mailto:ben.eldred.turner@gmail.com">ben.eldred.turner@gmail.com</a>
	<b>Please state your interest in the premises you are making a representation about:</b> Local Resident
<b>Name &amp; Address of premises you are making a representation about:</b> The Den, 16-17 Bridge street, Hereford HR49DF	

**DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing .**

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b> Many vehicles use bridge street at night & we've already witnessed a number of near misses with people coming from other premises on the street & nearby

**To Prevent Public Nuisance**

According to the notice in the window The Den is planning on having Live & recorded music until 11pm (both indoors & outdoors) at night & serve until midnight.  
There are Five residential properties directly above The Den & many more directly connected to the building. In the past we've had problems with music from restaurants previously occupying the premises vibrating through the building & loud behaviour from people leaving after midnight. Many noise complaints have been made to premises all around this area.  
They are also planning an outdoor area which I have three concerns about.  
One: it may lead to loud music & behaviour outside at night &  
Two: the outdoor structure so far seems to be made from recycled pallet wood & could be a fire risk  
Three: the placement of the outdoor structure currently gives easily claimable access to my & my neighbours properties tasing security concerns.

**To Protect Children from Harm**



HEREFORDSHIRE  
COUNCIL

**Representation Form – Interested Parties  
Suggested Conditions**

**Premise: \_The Den, 16-17 Bridge Street Your name: Ben Turner**

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

**To Prevent Crime and Disorder**

**Public Safety**

Lower the speed limit on bridge street to prevent fast moving vehicles knocking over drunk people coming from the various premises that empty onto the street.

**Prevent Public Nuisance**

Limit the serving time to 11pm to minimise late night disturbance  
Restrict the live & recorded music to stop at 10pm & insist on a volume limiter be installed to stop the music from disturbing the people in the flats above & nearby.  
Remove the hastily built pallet structure & not allow any sort of outdoor sound system to be installed to prevent outdoor noise & risk of people climbing up to the terraces and windows above

**Protect Children from Harm**

Signed: Ben Turner

Date: 14 June 2018

If you have any queries about this form or are unsure of when the statutory period ends please contact the  
**Licensing Helpline on 01432 260105**



**HEREFORDSHIRE COUNCIL**  
Licensing Act 2003

**REPRESENTATION FORM – INTERESTED  
PARTIES**

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

**When completing this form please print clearly and legibly.**

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,**  
**Herefordshire Council,**  
**8 St Owen Street,**  
**Hereford,**  
**HR1 2PJ**  
**licensing@herefordshire.gov.uk**

<b>Your Name: J Sewell</b>	<b>Contact Telephone No. 07599 890689</b>
<b>Address:</b> <b>Fl 2, 16 Bridge St</b> <b>Hereford</b> <b>HR4 9DF</b>	<b>E-mail address: jacky.sewell1@gmail.com</b>
	<b>Please state your interest in the premises you are making a representation about:</b>  <b>Resident overhead</b>
<b>Name &amp; Address of premises you are making a representation about:</b>  <b>The Den, 16-17 Bridge St, Hereford HR4 9DF</b>	

**DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing .**

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>
<p><b>To Prevent Public Nuisance</b></p> <p>My flat is directly overhead The Den, on the first floor. There are two issues:</p> <ol style="list-style-type: none"> <li>1. The vent from their kitchen is fixed to the exterior wall outside my bedroom causing significant vibration of all furnishings in the room, as well as constant audible noise. Currently the vent from the kitchen is turned on at 7.00-7.30am, and the staff have kindly agreed to be vigilant to turn it <u>off</u> as soon as the kitchen is closed, usually around 23.00, in order that I might go to bed. If refreshment hours are extended until 0.00 this will mean I cannot go to bed or get to sleep before midnight, 7 days a week.</li> <li>2. The outdoor seating area is directly below my bedroom. At present, with standard closing hours of 23.00, the staff are using the outdoor seating area after hours for their own activities. This is creating significant noise - talking, smoking, laughing and drinking till well after midnight – once till 2.30 a.m. and once till 3.30am. I have occasionally asked them to call it a night. This is causing me significant stress, frustration and loss of sleep and even when they stop, I am so tense and stressed that it takes a long time to get to sleep. This is in breach of <u>their own submission</u> under Section 18, Licensing Objectives d) The Prevention of Public Nuisance: <i>“All doors and windows shall be close after 23.00 except during immediate access and egress”.</i></li> </ol>

N.B. My regular work means that I frequently have to be up, alert and responsible early on a Sunday morning as well as regular weekdays. I cannot function responsibly if I cannot get to sleep until well after midnight. And even on my days off I don't have the option of sleeping in to catch up, as the kitchen vent starts up at 7-7.30a.m. 7 days a week.

If this is happening now, with serving ceasing at 23.00, it is easy to assume that it will continue even later if serving hours are extended. If refreshments are served outside until midnight and guests not asked to leave until 1.00, the noise will continue outside on the patio until 1.00 and then in Gwynne St passage until even later (based on related noise from De Koffee Pot), and even then staff may continue to use the patio to wind down.

(NB the previous restaurant owners did not have such long opening hours and were not open for breakfast).

Synopsis of their application:

- Live and recorded music outdoors till 23.00
- Late night Refreshment till 00.00
- Late night alcohol till 00.00
- Open to the public until 1.00am

From their own submission under Section 18, Licensing Objectives d) The Prevention of Public Nuisance:

"noise of vibration shall not emanate from the venue so as to cause a nuisance;  
All doors and windows shall be close after 23.00 except during immediate access and egress".

#### To Protect Children from Harm

Signed:

*Sally Sney*  
1<sup>st</sup> August 2018

If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

[https://www.herefordshire.gov.uk/info/200145/business/58/current\\_licensing\\_applications/2](https://www.herefordshire.gov.uk/info/200145/business/58/current_licensing_applications/2)

[www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

(scroll down to the 8<sup>th</sup> box – “Business” – and click on “Apply for a Licence”)

[Licenses and permissions](#) (click on “alcohol and entertainment” at the top of the list)

[Alcohol and entertainment](#) (click on “premises license”)

Licenses and Permissions – premises license (scroll right down the bottom past all the tables to “current Applications”. Click on “View current applications”)

Current Licensing Applications (scroll down to “Current Applications”)

- Application -The Den (their full application)

On the same page near the top: click on “Making objections or representations”

Making Objections or representation” (scroll down till you see the words “representation form”)

**Representation Form – Interested Parties  
Suggested Conditions**

**Premise:** The Den \_\_\_\_\_ **Your name:** J Sewell \_\_\_\_\_

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<p><b>Prevent Public Nuisance</b></p> <ul style="list-style-type: none"> <li>• Their own condition of “All doors and windows shall be close after 23.00 except during immediate access and egress” needs to be adhered to <u>by staff as well as customers</u>, in order to limit noise from the outside seating area directly below our bedroom windows.</li> <li>• Their own condition of “noise of vibration shall not emanate from the venue so as to cause a nuisance” Is impossible to achieve with regard to the kitchen vent; however I suggest that turning the vent off from 23.00 each night (i.e. the kitchen closed after 23.00) would limit this nuisance and allow the residents of the flats above to go to bed before midnight.</li> <li>• Serving of alcohol, music &amp; open to customers limited to the present hours of up until 23.00, to limit excessive noise permeating up to the flats above and preventing sleep.</li> </ul>
<b>Protect Children from Harm</b>

Signed: 

Date: 1<sup>st</sup> August 2018

If you have any queries about this form or are unsure of when the statutory period ends please contact the  
**Licensing Helpline on 01432 261761**

