

Agenda

Licensing sub-committee

Date: **Friday 18 October 2019**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon
Councillor John Hardwick
Councillor Tony Johnson

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF ST KATHERINE'S BARN, ST KATHERINE'S, LEDBURY, HR8 1AQ-LICENSING ACT 2003 To consider an application for a review of a premises licence in respect of St Katherine's Barn, St Katherine's, Ledbury. HR8 1AQ called by David Thomas as a member of the public.	11 - 88

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

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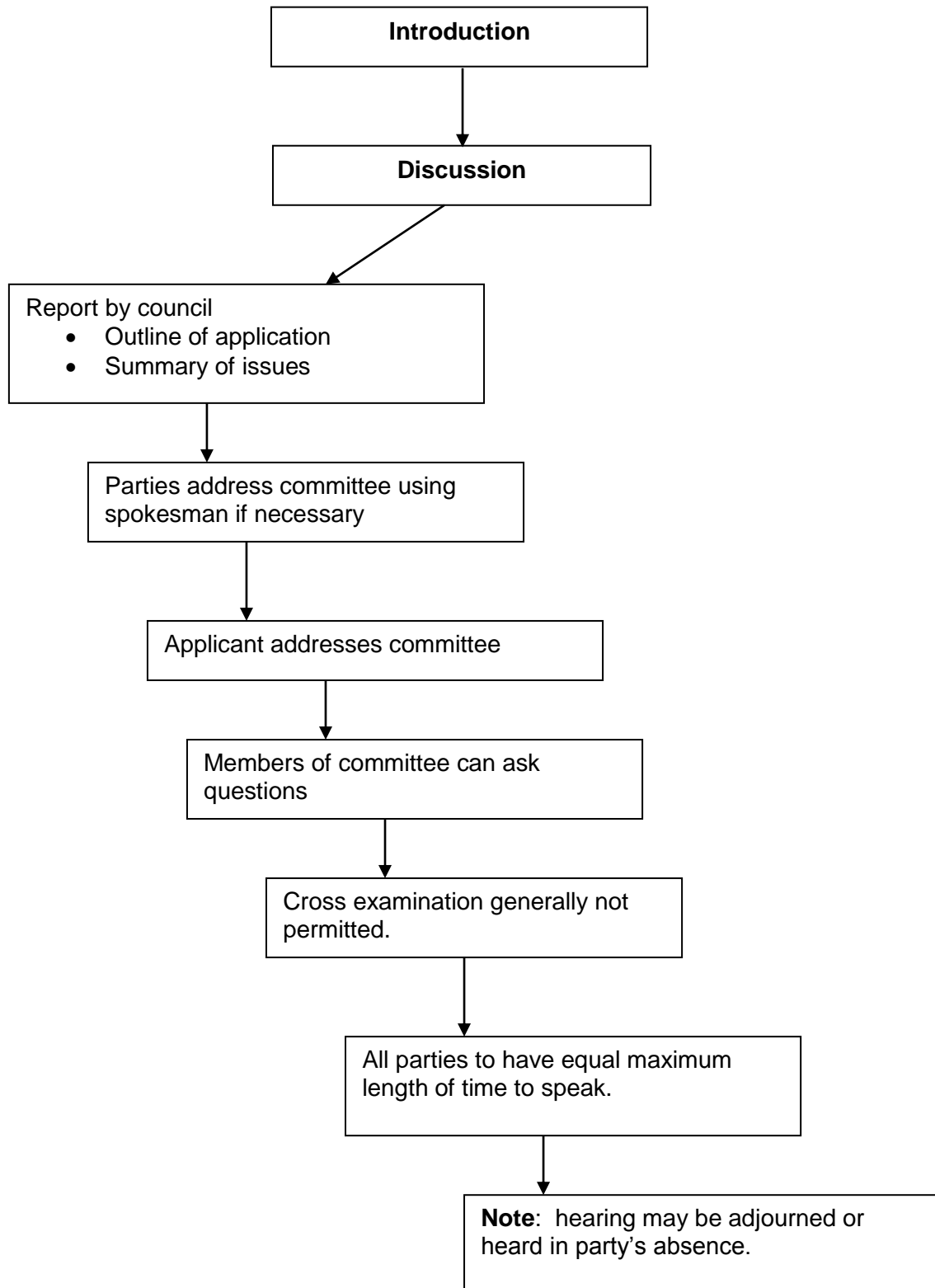
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Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	Friday 18 October 2019
Title of report:	Application for a review of a premises licence in respect of St Katherine's Barn, St Katherine's, Ledbury, HR8 1AQ– Licensing Act 2003
Report by:	Licensing Technical Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Ledbury North

Purpose

To consider an application for a review of a premises licence in respect of St Katherine's Barn, St Katherine's, Ledbury. HR8 1AQ called by David Thomas as a member of the public.

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.**
- **The review application**

Options

1. There are a number of option open to the sub-committee:
 - modify any of the conditions of the premises licence;
 - exclude any of the licensable activities
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding 3 months; and
 - revoke the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively the licensing authority could determine that no action is required to promote the licensing objectives or they could issue a warning in writing to the licence holder and/or recommend improvement within a specified period of time.

Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party.
6. The details of the application are:

Applicant	David Thomas (member of the public)	
Solicitor	Not applicable	
Type of application: Review	Date received: 23 August 2019	28 Days consultation ended 20 September 2019

7. A copy of the application for the review is attached (appendix 1).
8. Copies of the review application were sent to the premise licence holder and responsible authorities, as well as being published on the licensing authority's website.
9. Notice were displayed at the premises as well as at the offices of the licensing authority.

9. In brief the grounds for the review relate to the licensing objective: Prevention of Public Nuisance with excessive loud music/disturbance on numerous occasions along with breach of conditions and breach of permitted licensable timings.

Premises History

10. The premises known as St Katherine's Barn submitted an application for a grant of a premises licence on 26 February 2019 for Plays, Films, Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description Monday-Sunday 10:00-24:00 and Late Night Refreshment Monday-Sunday 23:00-24:00.
11. The application received relevant representation from a member of the public and responsible authorities during the consultation period. It was brought before the licensing sub-committee for determination on 11 April 2019.
12. The licence was granted with a number of conditions. Of particular note is the condition which states:
 - Noise or vibration shall not emanate from the premises so as to cause a nuisance.

Current Licence

13. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything Similar to Regulated Entertainment (Indoors/Outdoors)
Monday – Sunday 10:00-24:00

Late Night Refreshment (Indoors/Outdoors)
Monday – Sunday 23:00-24:00

Sale/Supply of Alcohol (Consumption on and off the premises)
Monday-Sunday 12:00-24:00

14. The licence is subject to a number of conditions in addition to that outlined in paragraph 12.

List of events leading to the review and after launch of review

15. On 27 May 2019 Mr Thomas contacted the licensing authority by email (appendix 3) to complain about the noise from the premises.
16. On 31 May 2019 the licensing authority sent the premises licence holder a warning letter regarding the noise (appendix 4).
17. On 14 June 2019 the licensing authority received a response from the premises licence holder (appendix 5).
18. On 19 June 2019 the environmental protection team sent the premises licence holder a warning letter (appendix 6).
19. On 21 June 2019 the premises licence holder contacted the licensing authority to request details of the conditions shown on their premises licence (appendix 7).

20. On 24 June 2019 a further email of complaint was received from Mr Thomas (appendix 8).
21. On 26 June 2019 in response to the premises licence holder's request of 21 June the licensing authority supplied details of the conditions (appendix 9).
22. On 26 June 2019 a response was received from the premises licence holder (appendix 10).
23. On 26 June 2019 the licensing authority sent a warning letter to the premises licence holder regarding breaching the conditions on the licence on the night of 21 June (appendix 11)
24. On 16 July 2019 Mr Thomas sent the licensing authority a further letter of complaint (appendix 12).
25. On 1 August 2019 Mr Thomas sent a further email of complaint concerning the noise (appendix 13).
26. On 12 August 2019 Mr Thomas sent a further email of complaint concerning the noise (appendix 14).
27. On 19 August 2019 Mr Thomas sent a further email of complaint concerning the noise (appendix 15).
28. On 23 August 2019 the review was launched (appendix 1).
29. On Friday 23 August 2019 Herefordshire Council's out of hours service attended the premises following a call made by Mr Thomas. The out of hours noise team parked about 20 yards away from the barn and it was the officer's opinion the noise was excessively loud for the area.
31. On 29 August 2019 a further email was received from Mr Thomas concerning noise disturbance from the premises (appendix 16).
30. On 2 September 2019 the licensing authority received a further complaint from Mr Thomas concerning excessive noise (appendix 17).
31. On 9 September 2019 a further email of complaint was received from Mr Thomas (appendix 18).
32. On 23 September 2019 a further email of complaint was received from Mr Thomas concerning the noise from the premises (appendix 19).

Summary of Representations

33. Representations have been received from:

Responsible Authorities - local authority (appendix 20) and environmental protection (appendix 21).

Three (3) representations have been received from members of the public which have been accepted as relevant (appendix 22)

Twenty two (22) letters of support from members of the public were received during

the consultation period and a further letter of support was received outside the consultation period. However these were not considered to be relevant representations under the Licensing Act 2003.

Community Impact

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

Equality duty

35. There are no equality issues in relation to the content of this report.
36. 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.
37. 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

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

Legal Implications

39. As an application for a review of the premises licence on grounds relevant to one or more licensing objectives has been received, the sub committee must determine this application in accordance with section 3.5.7 (e) of the Herefordshire Council constitution. In determining the application, the sub committee must consider the promotion of the licensing objectives.
40. The four licensing objectives are 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.
41. 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.
42. 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.

43. 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.

44. 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.

45. 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'.

46. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

47. A further case which is relevant in this matter is that of *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* (2011) EWCA Civ 312

48. The decision is important because it:

- illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation
- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises
- sets out the approach that should be taken when making licensing decisions

49. Lord Justice Toulson said:

Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

Responsible Authorities should be encouraged by this decision to make representations so that their information can be taken into account, and appropriate measures put in place for the licensing objectives to be promoted.

Right of Appeal

50. 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

51. 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

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

Appendices

Appendix 1 Review Application Form
Appendix 2 Premises Licence
Appendix 3 Email complaint from Mr Thomas dated 27th May 2019
Appendix 4 Warning letter to the premises licence holder date 31st May 2019
Appendix 5 Email response from the premises licence holder dated 14th June 2019
Appendix 6 Warning letter to the premises licence holder from Environmental Protection dated 19 June 2019
Appendix 7 Service request from the premises licence holder dated 21st June 2019
Appendix 8 Email from Mr Thomas dated 24th June 2019
Appendix 9 Email to the premises licence holder dated 26th June 2019
Appendix 10 Email response from the premises licence holder dated 26th June 2019
Appendix 11 Warning letter to the premises licence holder dated 26th June 2019
Appendix 12 Email complaint from Mr Thomas dated 16th July 2019
Appendix 13 Email complaint from Mr Thomas dated 1st August 2019
Appendix 14 Email complaint from Mr Thomas dated 12th August 2019
Appendix 15 Email complaint from Mr Thomas dated 19th August 2019
Appendix 16 Email complaint from Mr Thomas dated 29th August 2019
Appendix 17 Email complaint from Mr Thomas dated 2nd September 2019
Appendix 18 Email complaint from Mr Thomas dated 9th September 2019
Appendix 19 Email complaint from Mr Thomas dated 23 September 2019
Appendix 20 Licensing Authority Representation
Appendix 21 Environmental Protection representation
Appendix 22 Public representations

Background Papers

None.



Application for the review of a premises licence or club premises certificate 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 DAVID THOMAS

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
THE BARN ST KATHERINES LEDBURY	
Post town	Post code (if known)
LEDBURY	HR8 1DS
Name of premises licence holder or club holding club premises certificate (if known)	
LYNN JONES — ROBIN OAKEV	
Number of premises licence or club premises certificate (if known)	
ONE	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

THOMAS

First names

DAVID

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

[Redacted]

Post town

[Redacted]

Post Code

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Name and address

[Redacted]

Telephone number (if any)

[Redacted]

E-mail address (optional)

[Redacted]

N/A

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Date 30-7-19

Capacity RESIDENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
PLEASE SEE PAGE 2 - DETAILS GIVEN	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

I ATTENDED A HEARING AT THE SHIRE HALL EARLIER THIS YEAR WHEN THE OWNERS OF THE BARN APPLIED FOR A LATE NIGHT LICENCE

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address N/A
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

I HAVE SENT NUMEROUS EMAILS OVER THE PAST FEW MONTHS TO COMPLAIN ABOUT DISTURBANCES AT THE BARN. I WOULD BE GRATEFUL IF YOU COULD REFER TO THESE AS PART OF THIS PROCESS. THERE HAVE BEEN INCIDENTS WHERE MUSIC AT THE BARN HAS BEEN EXCESSIVELY LOUD AND HAS RUN OVER THE AGREED TIME STATED IN THE LICENCING AGREEMENT. FURTHERMORE, THE CONTINUED NOISE CREATED BY DOZENS OF PEOPLE CONGREGATING IN THE OUTSIDE DRINKING AREA, WHICH IS DIRECTLY OUTSIDE MY WINDOW, HAS BEEN UNBEARABLE

I HAVE DOCUMENTED MANY INCIDENTS AS FAR BACK AS MARCH, AS ADVISED BY P.C. MOODY AND THE LICENSING COMMITTEE. THEY HAVE ALL

Please provide as much information as possible to support the application (please read guidance note 3)

BEEN SIMILAR TO THE FOLLOWING :

21/6/19 : RELENTLESS REPETITIVE BEATS THAT GOT LOUDER AND LOUDER, ENDING AT 12-20 AM DOORS AND WINDOWS LEFT OPEN AFTER 11 PM. EXCESSIVE NOISE CREATED BY CUSTOMERS IN THE OUTSIDE DRINKING AREA. FURTHER DISTURBANCES FROM THE OWNERS UNTIL 1-15 AM. THIS EVENT WAS REPORTEDLY HEARD IN OAKLAND DRIVE, THE HOMEND AND HILLFIELD DRIVE, WHICH ARE A CONSIDERABLE DISTANCE FROM THE BARN.

22/6/19 : EXCESSIVE NOISE CREATED BY CUSTOMERS IN THE OUTSIDE AREA, CAUSING ME TO LEAVE MY FLAT

9/7/19 : EXCESSIVELY LOUD MUSIC UNTIL 11-50 PM. EVENT WAS ADVERTISED AS FINISHING AT 10 PM

13/7/19 : EXCESSIVELY LOUD MUSIC AND UNBEARABLE NOISE CREATED BY CUSTOMERS ENCOURAGED TO SCREAM AND SHOUT UNTIL 11-50 PM.

DISTURBANCES CONTINUED UNTIL 1-15 AM

21/7/19 : MUSIC GETTING LOUDER AFTER 11 PM AND CONTINUING UNTIL 12-05 AM. EVENT WAS ADVERTISED AS FINISHING AT 12 AM BUT THERE WAS A LARGE NUMBER OF PEOPLE CREATING EXCESSIVE NOISE IN THE OUTSIDE AREA UNTIL 12-45 AM

27/7/19 : EXCESSIVELY LOUD MUSIC AND NOISE CREATED BY CUSTOMERS, YET AGAIN FORCING ME OUT OF MY HOME. RETURNED AT 1-45 AM

CONT —

CONT -

TO FIND OWNER AND CUSTOMER CAUSING A NUISANCE IN THE OUTSIDE AREA.

FOLLOWING MY NUMEROUS COMPLAINTS I HAVE BEEN VISITED BY THE ENVIRONMENTAL HEALTH TEAM. THEY HAVE ADVISED ME TO DOCUMENT ANY FUTURE DISTURBANCES. AS MENTIONED EARLIER, THE NOISE CREATED AT THE BARN CAN BE HEARD IN OTHER AREAS OF THE TOWN. HOWEVER, NOBODY WILL BE EXPERIENCING SUCH STRESSFUL NOISE LEVELS AS MYSELF. AT THE TIME OF THE INITIAL LICENCE BEING GRANTED LAST YEAR, WAS THE LICENSING COMMITTEE AWARE OF HOW CLOSE I LIVE TO THE BARN? WAS MY HOME OF 14 YEARS, THAT IS IN THE IMMEDIATE VICINITY OF THE BARN, TAKEN INTO CONSIDERATION AT ALL.

I HAVE EXPRESSED MY CONCERNS TO MY LANDLORD, MR. J MILLER BECAUSE OF THE POTENTIAL IMPACT ON MY TENANCY. PLEASE SEE LETTER ENCLOSED. MR MILLER HAS RECENTLY APPROACHED THE OWNER OF THE BARN EXPRESSING HIS CONCERN AT POTENTIALLY LOSING HIS TENANT. THE OWNER RESPONDED BY TELLING HIM NOT TO WORRY BECAUSE THEY KNEW OF SOMEONE WHO WOULD WILLINGLY MOVE IN. THIS SPEAKS VOLUMES OF THEIR ATTITUDE, ARROGANCE AND DISREGARD FOR THE TERMS AND CONDITIONS OF THE LICENSING AGREEMENT, DESPITE NUMEROUS WARNINGS FROM THE ENVIRONMENTAL HEALTH TEAM.

I HAVE SUFFERED DISTURBANCES FROM THE BARN FOR THE LAST 18 MONTHS, EVER SINCE RENOVATION WORK BEGAN. THE INCONSIDERATION THAT WAS SHOWN THEN WAS A PRECURSOR TO THE EVENTS OF TODAY. AS A RESULT OF THE CONTINUING DISTURBANCES MY HEALTH HAS SUFFERED. A LACK OF SLEEP, LOW MOOD, WEIGHT LOSS, IRRITABILITY AND ANXIETY ARE ALL SYMPTOMS THAT I WILL BE DISCUSSING WITH MY G.P IN A FORTHCOMING APPOINTMENT.

THANKYOU FOR THE OPPORTUNITY TO REQUEST A REVIEW OF THE LICENSING AGREEMENT. I LOOK FORWARD TO HEARING FROM YOU

Dear Sir or Madam

I am writing with regards to The Barn that is situated in St. Katherines car park in Ledbury.

I believe that the owners wish to serve drinks up until 12am and are currently in the process of applying for a license that will enable them to do so.

I can not express my concern about this enough.

If the application is successful then this will cause further disturbance to people living in that area, in to the early hours of the morning.

I live in a flat next door, overlooking The Barn. I have lived here for fourteen years.

I already experience noise disturbance from live music events at The Barn. I am also subjected to the disturbances caused by customers drinking outside the venue, directly below my bedroom window. This continues after the music has stopped and into the early hours. When the venue has closed I then experience further noise from the premises being locked up.

I have had to tolerate this ever since The Barn opened.

I am dismayed at the possibility of a late night licence being granted and dread what further disturbances will occur and at a later hour. This will have such a detrimental affect, especially as I have to be up early for work on Saturday mornings.

Only recently I experienced loud live music on both Friday and Saturday night. From 7.30pm live music was played passed the expected finishing time of 11pm. The music was and is so loud that I am unable to relax and watch and hear my own television, or listen to my own music in my own home. On the Friday night of that weekend, the time that the last person left the premises was 1.30am.

I dread to think how much disturbance I will experience come the summer when I will need to open my windows.

St. Katherines car park is a quiet area so any noise late at night is very noticable.

I have already experienced much disturbance and disruption ever since renovation work on The Barn began, over a year ago. Often seven days a week and more than 8 hours a day.

I'm sure some local people are excited about Ledbury having a venue to hold such events and may look forward to late night drinking. I appreciate this, however they do not live next door to The Barn and thus do not have to tolerate late night disturbances caused.

I would be very grateful if you would consider my concerns that are also shared by others in the vicinity of The Barn.

Thank you.

Yours sincerely

Mr. D. Thomas



Dear Sir or Madam



I am writing with regards to the live music venue The Barn that is situated in St. Katherine's car park in Ledbury.

I live next door to the venue and I recently opposed their late night licence application. I also attended the meeting at The Shire Hall when the application was granted.

I would like to raise some concerns about recent events at The Barn,
Firstly, IT'S TOO LOUD!

There has been a live music event at The Barn every weekend of late. The owner of the venue said at the meeting that such events will be infrequent. I have seen no evidence of this.

Last Saturday, there was a band and they played from early evening to beyond midnight. It seemed to be louder than ever. Furthermore, when the band had finished, loud music continued to play until 12.30am. At this time it was clear to me that people were still arriving at the venue. This caused further disturbance and at such a late hour.

The owners have agreed to close all windows and doors at 11 o'clock. However, this makes no difference whatsoever. It is STILL TOO LOUD!

There is a sign at the venue requesting customers to respect the neighbours upon leaving the premises. This does not appear to be happening. Customers do not seem to take notice of the sign or verbal requests if any from the owners. The irony being that the loudest voice to be heard is that of one of the owners, shouting over the music, every weekend.

As I said, I attended the meeting when the late night licence was granted. Despite the terms and conditions that The Barn has agreed to adhere to, I always knew that the above issues would continue to happen. Furthermore, prior to the decision being made to grant the late night licence, I was very disappointed to discover that not one member of the licencing committee had visited The Barn and assessed the vicinity to consider the impact a late night licence would have on others in the area. In doing so, it would have been

very clear to see how very close The Barn is to my flat and thus realize how much disturbance would be caused.

I am the closest neighbour to The Barn and seem to be the only person affected by the noise and because I am just one person, my views appear to be being ignored.

It is fair to say that the above is having a detrimental effect on my well being. I simply am unable to relax in my own home. It is so loud at The Barn that it is not an overstatement to say that I literally can not hear myself think.

As advised by PC Moody who attended the meeting, I am keeping a log of all incidence that continue to cause a disturbance.

I would be very grateful if you could look into my concerns and inform me of what time The Barn is allowed to play music until and at what level of volume. Based on my experiences so far, it is not acceptable.

Thank you.

Yours faithfully

David Thomas

Dear Sir or Madam



I am emailing to express my continued concerns with regards to the noise disturbances at The Barn in Ledbury.

I am aware that The Barn has already, been contacted by the Environmental Health Department, in relation to the disturbances caused during their event that was held on Saturday, 8th June.

However, the disturbances continue.

On Friday 21st June an event was held at The Barn. Yet again live music was played way beyond a reasonable volume. As I have stated before it is so loud that I am unable to relax in my own home which is my basic human right. I couldn't even hear my own television.

The live music finished at 10.50 pm.

Music was then played through a sound system until 12.00 am whilst windows and doors at the venue were left open!

As I have stated before, I am aware that the owners have put up a 'polite notice' sign requesting customers to have consideration for the neighbours upon leaving the premises. This sign is absolutely pointless and completely ignored.

After the event had finished, further disturbances could be heard by the owners and others until 1 am.

Finally, at 1.15 am the owners locked up and left the premises. Only then was I able to go to bed to sleep. Bearing in mind that I have to be up early for work most weekends, this is a very late hour.

The following night I was looking forward to some peace and quiet as I knew that no other public event had been advertised at The Barn.

However, to my surprise the owners held what appeared to be a private function from 7 pm. There was no music played at this event, but the noise created by dozens of people socializing in the vicinity, which again is right outside my window, was enough to drive me out of my own home at 10 pm.

Two events in one weekend is in my opinion very inconsiderate.

I am still amazed that The Barn has been granted any kind of licence whatsoever, considering its location and how close it is to neighbouring properties. It is very unfortunate for me that I seem to be the only person living in the immediate vicinity of The Barn. I feel that because I am just one person, my views were ignored at the time of any licence being granted.

I am aware that other people have been disturbed by these events, but nobody will be experiencing the same noise levels that I am.

My weekends are ruined.

I would appreciate you looking into this matter.

Thank you.

Your faithfully

David Thomas





To Hereford Licencing Committee

Dear Sir or Madam

Thank you for the opportunity to request a review on the licencing agreement for The Barn in Ledbury.

I am in the process of completing the review form and will post it to you very shortly.

In the meantime please can you make a note of the following information.

As far as I'm aware, the owners have been approached by the Environmental Health Team advising them to adhere to the rules and regulations of the licencing agreement.

Yet again, I see no evidence that they are doing so.

During The Ledbury Fringe Festival from Thursday 4th July to Sunday 14th July, The Barn held seven events and as expected noise disturbances occurred all of that week.

On Monday 8th July the noise coming from The Barn was unbearable. I was surrounded by dozens of Silurian Morris Men right outside my flat. They might as well have been knocking their sticks together IN my flat considering the level of noise! This was followed by a music session at The Barn which commenced at approximately 9.30pm. At 11pm I had to endure an awful and extremely loud folk rendition of The Ace Of Spades by Motorhead! Have you got any idea what that sounds like? According to the rules and regulations of the licencing agreement, only low volume background music can be played after 11pm. Is this correct?

On Tuesday 9th July The Barn hosted 'Mirimakes Music' which involved five female singing acts. This event was advertised as starting at 7.30pm and finishing at 10.00pm. At 11.15pm I had to endure a very loud singalong of 'We're All Going On A Summer Holiday'. This event was very well attended, so you can imagine how much more noise was created. As I said earlier, it was advertised to finish at 10pm. However, the music finished at 11.50pm and I then had to listen to people leaving very noisily.

The owners have put up a new polite notice saying to customers 'Please leave quietly'. As I have mentioned before, any polite notice at The Barn asking people to leave quietly is meaningless and ignored.

On Thursday 11th July I had to endure and I quote from The Ledbury Fringe programme, 'A carnival of irresistible Punk n Folk n Roll'. This event was also well attended and yet again the noise was unbearable.

On Friday 12th July The Barn was open all day but the music did not start until 9pm. The music ended at 11.30pm. Again, this was not low level background music. As per usual as with any event held at The Barn, people left the

premises noisily. The owners stayed on with a few other people, continuing to make a noise. Then at 1am they decided to start rolling barrels around ready I presume for the following night. Furthermore at this time a vehicle pulled up, thus adding to the noise.

I then had to listen to a drunken customer trying to get his point of view across in a very loud manner. I do not appreciate listening to terminology - and I quote 'F**k that sh*t!' so late at night right outside my window, especially knowing that I have to be up early for work in the morning. I have been advised to document disturbances including any foul language, so I am informing you.

Eventually, the owners left at 1.15am, noisily as per usual.

On Saturday 13th July the event held was advertised as a double bill featuring Anti Poet and Hedluv and Passman - a Cornish codpiece wearing rap duo. I have no idea what was going on this night but believe me it was very loud. Again it was very well attended with the audience determined to scream and shout as loud as they possibly could up until 11.50pm. Again, as people left there was more noise. The owners stayed on at the premises and eventually locked up - noisily at 1.15am

As far as my observations go, the owners are not adhering to the conditions set out in the licencing agreement. Why is this? Is this down to stupidity or arrogance? Or both? The owners do not appear to be showing any consideration to others in the vicinity. As I said before, they have been approached by The Environmental Health Team, yet there seems to be no improvement.

It is fair to say that even if the owners try to be quiet when they lock up and leave the premises, it does not matter. I can hear everything and at any time because of the close proximity between my flat and The Barn and just how quiet the area generally is, especially at night. I am unable to get to sleep until they have left locked up and left the premises.

Again I say, I am baffled as to how a late night licence was granted to The Barn, or indeed any licence for that matter when considering how close it is to neighbouring properties - and how quiet the area has always been prior to The Barn being there. I just wish somebody had visited the vicinity before the licence was given. They would have then foreseen the problems that would no doubt occur.

I have lived in the town centre in various flats all my adult life so I am accustomed to an acceptable level of noise. The situation I find myself in now is completely different and it is not about me having to adjust to change.

What is happening now is completely inconsiderate, unacceptable and unbearable and I wouldn't expect anyone else to tolerate it so why should I? I don't believe anyone would tolerate it.

I am not exaggerating when I say that these disturbances are not only making my home life miserable , but they are having a detrimental affect on me as a person. I find myself dreading going home. Surely this can't be right?

In closing, thank you again for the opportunity to ask for a review. I look forward to completing the review form for your attention.

However, I am not looking forward to this weekend's event at The Barn - yet again another 'DJ Night'!



Yours faithfully

David Thomas

Dear Sir or Madam



Yet again I find myself contacting you to inform you of the continued noise disturbances at The Barn in Ledbury.

As far as I am aware the owners of The Barn have been approached by the Environmental Health Team after my initial complaints and reminded of the terms and conditions of their licence. However, there has been no improvement on their part whatsoever.

On Saturday 21st July, The Barn held an event called 'The Social'. This is a monthly event.

From 7pm to 12-05am I had to endure many people congregating right outside my window making a noise, whilst loud repetitive bass driven dance music was being played. At 11pm the music went up in volume. This continued until 11.30pm.

I have been informed by The Environmental Health Team that a condition of the licence is that music passed 11pm should be no more than low volume background music. A word that has been quoted to me by The Environmental Health Team was a 'murmur'.

The event was supposed to finish at 12pm, yet there was still a large number of people drinking and making a considerable noise right under my window until 12.45am. This is not acceptable!

Last weekend, Saturday 27th July, I was looking forward to a rare weekend free of noise disturbances as there was no event advertised at The Barn. To my dismay on the Saturday I noticed some posters had been hastily put up around the town to advertise a 'Singles Night', inviting people to bring their own records to play.

The event started at 8pm. As always the music was loud enough for me to hear even with my window closed and my television volume turned up in a vain attempt to drown out the music.

By 10pm I had had enough. Yet again I found myself being driven out of my flat. How am I expected to relax and enjoy the comfort of my own home with such disturbances going on every weekend?

I eventually returned to my flat at 1.45am. As I approached my door, to my surprise a woman who was being playfully chased by the man who is the owner of The Barn, nearly ran straight into me. My understanding is that The Barn is not supposed to be occupied at such a late hour. Is this correct?

I should not have to put up with such nonsense, especially in the early hours of the morning.

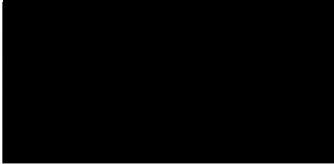
From my observations despite being approached by The Environment Health Team, the owners of The Barn continue to arrogantly ignore the terms and conditions of the licencing agreement.

As invited to do so, I have completed the form to ask for a review of the licence and it is in the post. I would be grateful if you could acknowledge and let me know when you have received it.

I look forward to hearing from you.

Thank you.

Yours sincerely





Dear Sir or Madam

I am emailing to inform you yet again of the noise disturbances at The Barn.

The event at The Barn last Friday, 9th August was advertised as an acoustic evening featuring one man singing with a guitar. However, the event spiralled in to an out of control drunken karaoke night! With regards to previous events at The Barn, it was by far the worst experience to date!

At about 9pm I observed a group of men in the outside drinking area, right underneath my window, were getting considerably drunk and very loud very quickly. At this point I knew that I was in for a 'bad night'. I had my windows shut and my television on loud in an attempt to drown out the noise and constant swearing.

At about 10pm it became obvious to me that some of these men had been given free reign of the microphone and it turned into a drunken 'free for all'. The noise was absolutely horrendous! One of the many songs that they were 'singing' was 'C'mon Feel The Noise'. How ironic, but most definitely not funny.

This cacophony continued past 11pm. At 11.10pm to my astonishment I then had to suffer the song 'Two Little Boys' by Rolf Harris at full volume over the sound system - whilst somebody was repeatedly chanting 'Do you wanna f*****g dance?' Again I say, I should not have to be subjected to such foul language late at night, when in fact I was ready to go to bed at 10.30pm as I was exhausted and had to be up early for work in the morning.

During the course of the evening I noticed two men urinating outside the main entrance of The Barn. Furthermore, doors and windows remained open all night. As I have referred to many times, and which is in accordance with the licensing agreement, doors and windows have to be shut at 11pm.

At 11.20pm the 'free for all' continued with an awful shouting rendition of 'American Pie' that seemed to go on forever, along with many other songs too numerous to mention. This went on until 11.50pm and customers then started to leave when the event came to an end. At 12.30am I was in bed, unable to sleep as I could clearly hear the owners still playing music in The Barn.

At 12.40am a vehicle turned up at The Barn and two men were let inside the premises. My understanding is that this is not allowed. Then bizarrely at the same time I noticed the owner Ms Jones arrive on her bicycle. I would like to reiterate - I was still in bed, still unable to sleep.

At 1.15pm they eventually locked up the premises and as per usual I was disturbed by their car engines and doors closing. I was so wound up by what I had to endure that night that I had very little sleep thereafter.

The next night there was a private party held at The Barn and this was very well attended and as you would expect, very noisy. There was live music that appeared to get louder as the evening progressed and it did not stop until 11.50pm. My understanding is that in accordance to the licensing agreement, live music has to stop by 11pm. Yet again doors and windows were left open all night.

I have been given noise recording equipment from the Environmental Health Team, but unfortunately and to my disappointment the equipment did not work last weekend, I have since reported this.

As advised by the Environmental Health Team I have not interacted with the owners of The Barn. However, I am frequently approached by Ms Jones, inviting me to come along to various events and 'enjoy' the music - whilst offering me free food and drink.

Yesterday, Sunday 11th August, I was approached by Ms Jones who to my astonishment informed me that she has actually suggested to somebody known to both of us, if they would consider swapping flats with me! Is this some kind

of joke? As I stated in my request for a licence review, this attitude of the owners speaks volumes. Together with Mr Oakey's recent comment to my concerned landlord, stating that he could provide him with another tenant if I decided to move out - their attitude is nothing short of sheer stupidity and utter arrogance.

Further to my astonishment, Ms Jones also said to me that she often stands outside my flat and wonders if I can hear anything. Again, is this some kind of joke?

I chose the recent conversation as an opportunity to inform Ms Jones that I have requested a licence review and I will be sending her all of the relevant documents this week, as is requested by the Licensing Committee.

I strongly believe that the owners have no comprehension at all of the terms and conditions of their licensing agreement and continue to do as they please. After last Friday night, it is obvious to me that they are also unable to manage their own events.

As stated in my request for a licence review, the past six months where I have been subjected to continual and unacceptable disturbances from The Barn, has most certainly been stressful and it has had an impact on my health. I am seeing my GP this week.

I do not enjoy sending complaints to Herefordshire Council. Believe me I have got better things to be doing with my time. Mr. Oakey stated at The Shire Hall when applying for a late night licence, that events would be infrequent. This has not been the case - so yet again I find myself contacting you because of the continuous noise.

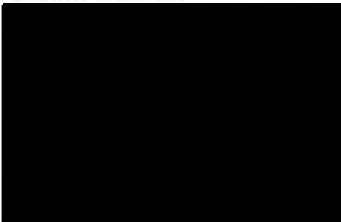
As much as I appreciate the opportunity to request a review of the licence, I can not help but feel let down as a member of the public, as this nonsense has been going on for far too long and is continuing and not improving.

As instructed, paper copies of all of my emails will be in the post to you this week to support my request for a review. I will also be handing all relevant documents to the owners of The Barn.

I look forward to hearing from you.

Yours faithfully

David Thomas



**LICENSING ACT 2003
Part A - Premises Licence****Premises licence number – PR01846 (App to Grant Premise Licence)****Part 1 - Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description

**St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1AQ**

Telephone number: **07772 174088**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

**Provision of Plays (Indoors/Outdoors)
Provision of Films (Indoors/Outdoors)
Provision of Live Music (Indoors/Outdoors)
Provision of Recorded Music (Indoors/Outdoors)
Performances of Dance (Indoors/Outdoors)
Provision of Anything of a Similar Description (Indoors/Outdoors)
Late Night Refreshment (Indoors/Outdoors)
Sale/Supply of Alcohol (Consumption On and Off the Premises)**

The times the licence authorises the carrying out of licensable activities

**Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything Similar to
Regulated Entertainment**

Monday – Sunday 10:00-24:00

Late Night Refreshment

Monday – Sunday 23:00-24:00

Sale/Supply of Alcohol

Monday-Sunday 12:00-24:00

The opening hours of the premises

Monday – Sunday 10:00-24:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

For Consumption On and Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Lynn Jones
XXXXXX
XXXXXX
XXXXXX
XXXXXX

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Lynn Jones
XXXXX
XXXXX
XXXXX
XXXXX
XXXXX

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number – XXXXX
Issuing Authority – Herefordshire Council

Annex 1 - Mandatory conditions**Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Drinking Water

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification

- 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Small Measures

- 4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Below Cost Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule**Licensing conditions****General****Prevention of Crime and Disorder**

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 be 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) any complaints (relevant to the licensing objectives) received
- (c) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

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 12 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.

Public Safety**Prevention of Public Nuisance**

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

Loudspeakers or public address systems shall not be located external to any part of the premises.

No amplified music in the external areas.

No films with an audible sound track in the external areas.

Windows (in the public areas) at the premises shall be kept closed after 23:00.

All external doors (to the public areas) shall be kept closed after 23:00 except during immediate access and egress.

Live or recorded music shall be restricted to the area marked on the premises plan.

No waste such as bottles or refuse shall be placed outside the premises between 22:00 and 08:00.

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.

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.

Protection of Children

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.

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.

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 or offensive language).

Annex 3 - Conditions attached after a hearing by the licensing authority on 11th April 2019

DECISION

The sub committee's decision is to grant the licence as applied for as the trading standards and West Mercia Police representations had now been agreed.

Annex 4 – Plans

As attached

**LICENSING ACT 2003
Part B - Premises licence summary****Premises licence number – PR01846 (App to Grant Premise Licence)****Part 1 - Premises details**

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

**St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1AQ**

Telephone number: 07772174088

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

**Provision of Plays (Indoors/Outdoors)
Provision of Films (Indoors/Outdoors)
Provision of Live Music (Indoors/Outdoors)
Provision of Recorded Music (Indoors/Outdoors)
Performances of Dance (Indoors/Outdoors)
Provision of Anything of a Similar Description (Indoors/Outdoors)
Late Night Refreshment (Indoors/Outdoors)
Sale/Supply of Alcohol (Consumption On and Off the Premises)**

The times the licence authorises the carrying out of licensable activities

**Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything Similar
Monday – Sunday 10:00-24:00**

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

**Sale/Supply of Alcohol
Monday-Sunday 12:00-24:00**

The opening hours of the premises

Monday – Sunday 10:00-24:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

For Consumption On and Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Lynn Jones
XXXXXX
XXXXXX
XXXXXX
XXXXXX

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name, of designated premises supervisor where the premises licence authorises the supply of alcohol

Lynn Jones

State whether access to the premises by children is restricted or prohibited

The Premises will Operate a Challenge 25 Policy

No adult entertainment or services or activities must take place at the premises

From: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 27 May 2019 19:44
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Noise complaint. The Barn, Ledbury

Xxxxxxxxxxxxxx

Xxxxxxxxxxxxxx

Xxxxxxxxxxxxxx

Xxxxxxxxxxxxxx

Tel xxxxxxxxxxxxxxxx

27.05.19

Dear Sir or Madam

I am writing with regards to the live music venue The Barn that is situated in St. Katherine's car park in Ledbury.

I live next door to the venue and I recently opposed their late night licence application. I also attended the meeting at The Shire Hall when the application was granted.

I would like to raise some concerns about recent events at The Barn,

Firstly, IT'S TOO LOUD!

There has been a live music event at The Barn every weekend of late. The owner of the venue said at the meeting that such events will be infrequent. I have seen no evidence of this.

Last Saturday, there was a band and they played from early evening to beyond midnight. It seemed to be louder than ever. Furthermore, when the band had finished, loud music continued to play until 12.30am. At this time it was clear to me that people were still arriving at the venue. This caused further disturbance and at such a late hour.

The owners have agreed to close all windows and doors at 11 o'clock. However, this makes no difference whatsoever. It is STILL TOO LOUD!

There is a sign at the venue requesting customers to respect the neighbours upon leaving the premises. This does not appear to be happening. Customers do not seem to take notice of the sign or verbal requests if any from the owners. The irony being that the loudest voice to be heard is that of one of the owners, shouting over the music, every weekend.

As I said, I attended the meeting when the late night licence was granted. Despite the terms and conditions that The Barn has agreed to adhere to, I always knew that the above issues would continue to happen.

Furthermore, prior to the decision being made to grant the late night licence, I was very disappointed to discover that not one member of the licencing committee had visited The Barn and assessed the vicinity to consider the impact a late night licence would have on others in the area. In doing so, it would have been very clear to see how very close The Barn is to my flat and thus realize how much disturbance would be caused.

I am the closest neighbour to The Barn and seem to be the only person affected by the noise and because I am just one person ,my views appear to be being ignored.

It is fair to say that the above is having a detrimental effect on my well being. I simply am unable to relax in my own home. It is so loud at The Barn that it is not an overstatement to say that I literally can not hear myself think.

As advised by PC Moody who attended the meeting, I am keeping a log of all incidence that continue to cause a disturbance.

I would be very grateful if you could look into my concerns and inform me of what time The Barn is allowed to play music until and at what level of volume. Based on my experiences so far, it is not acceptable.

Thank you.

Yours faithfully

David Thomas

**Economy and Place Directorate
Director: Richard Ball**

Lynn Jones
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Your Ref:

Our Ref:

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk

31st May 2019

Dear Sir/Madam

ST KATHERINE'S BARN

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions are to be complied with.

It is alleged that you held a live music performance on 25th May 2019 and the performance lasted beyond the times listed on your premises licence. It is also alleged that the level of noise from the band was causing a nuisance.

Please may I remind you that your premise licence allows the following and that all licensable activity timings and conditions must be complied with when the licence is in operation:

The times the licence authorises the carrying out of licensable activities

**Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything
Similar to Regulated Entertainment**
Monday – Sunday 10:00-24:00

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

Sale/Supply of Alcohol
Monday-Sunday 12:00-24:00

Prevention of Public Nuisance

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

Under Section 136 of the Licensing Act 2003 it is an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (premises licence). This offence on summary conviction is punishable with six months imprisonment and/or an unlimited fine.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation we **may** take enforcement action against you.

Yours faithfully,

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

From: XXXXXXXXXXXXXXXXXXXXXXXX
Sent: 14 June 2019 09:58
To: Licensing <licensing@herefordshire.gov.uk>
Subject: St Katherine's Barn

Dear Emma

I am sorry that the Barn has caused a complaint and obviously I would very much like to and will comply with the licence and what is authorised. I have complied with the licence and have always stopped the music by 12.00.

Please could you confirm the date as the date you mentioned hasn't happened yet.

Thank you, Emma. I must say I have been trying to involve Dave Thomas in the Barn as I know he likes live music and would be much better if he was part of us!

All the Best and may it stop raining soon!

Lynn

Economy and Place Directorate

Director: Richard Ball

The Manager
St Katherine's Barn
St Katherine's
Ledbury
Herefordshire
HR8 1EA

Your Ref:
Our Ref: JWM/283348
Please ask for: Mrs J Warren-McCauley
Direct Line / Extension: XXXXXXXXXX
Fax: 01432 261982
E-mail: XXXXXXXXXXXXXXXXXXXXXXXXX

19th June 2019

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990
LICENSING ACT 2003 – PREMISE LICENCE - PR01846
ALLEGED NOISE NUISANCE FROM LOUD MUSIC & ANCILLARY ACTIVITIES- ST KATHERINE'S
BARN- ST KATHERINE'S, LEDBURY, HEREFORDSHIRE, HR8 1EA**

I regret to inform you that we have received a number of complaints alleging that loud music & noise from the outside areas at the above address is causing a nuisance to local residents. I must stress that at the present time there is no independent evidence to support the allegation.

My purpose in writing to you at this stage is to make you aware that noise of this type can amount to a Statutory Nuisance, which the above legislation is designed to control. As the occupier of the property you have a duty to ensure that residents of neighbouring premises do not suffer nuisance from any activity at your premises.

The complainants have been issued with a Record of Nuisance log sheet with an instruction to provide more information if there are continuing problems following this letter and record how it is affecting them in their property e.g. time, duration and impact. On receipt of this information or if we receive other similar complaints, we will investigate the matter further. This may involve carrying out monitoring visits using one or more of the following methods relevant to the investigation; personal observations, noise level measurements, sound recordings. If a Statutory Nuisance is identified then formal action through the service of an abatement notice, under the above legislation, will be considered.

Please also be aware there are allegations that the site is operating not in accordance with your premise licence. I respectfully remind you that the existing premise licence conditions should also be adhered to. Should you require any clarification on your licence conditions please contact Licencing Team via 01432 261761

I would be grateful if you could please review the matter and take appropriate action, if required, however should you wish to discuss this matter further or require additional advice or information, please do not hesitate to contact me. Our reference number is detailed at the top right of this letter and should be quoted when contacting us.

Yours sincerely

**MRS J WARREN-MCCAULEY
TECHNICAL OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

cc Licencing Team by email

8 St Owen Street, Hereford, HR1 2PJ

www.herefordshire.gov.uk | facebook: hfdscouncil | twitter: @hfdscouncil

Herefordshire Council
EH Commercial – Service Request Summary Sheet

Reference	284462	LA Ref	
Date Received	21 June 2019	Date Closed	26 June 2019

How Received	Info in Herefordshire	First Response Date	26/06/2019
Receiving Officer	XXXXXXXXXX	Investigating Officer	Emma Howell
Category / Type	Licensing Act 2003: Premise Licence - Enquiry		

Name of Complainant	Ms Lynn Jones		
Address	St Katherine's Barn, Ledbury, Herefordshire, HR8 1EA		
Telephone Number	XXXXXXXXXXXX	Email Address	XXXXXXXXXXXX

Name of Premises	St Katherine's Barn	Premises Alarm?	
Address of Premises	St Katherine's, Ledbury, Herefordshire, HR8 1EA		
Telephone number	XXXXXXXXXXXX		

Complaint Details	Licensable hours
Case Text	21/ 6/2019 9:33 RHU Wishes to discuss her premises licence at St Katherines Barn and the licensable hours, wants to double check she is doing the right thing because she believes a complaint has been made due to running over her licensable hours

Case Actions				
Action Details	Officer	Actual Date	Time (5 mins)	Linked Doc
1AO Request Allocated		21/06/2019		N
1AN Contact Client/Consumer 26/ 6/2019 8:54 EBO Email sent Good morning Thank you for your call to our Technical Support Team Your licensable hours are shown on Part A and Part B of your premises licence (Part B must be on display at the premises). Part A contains a set amount of conditions that you agreed to prior to the licence being granted. These must be adhered to whenever the premises is used for licensable activities Please see below what the licensable activities and timings your premises licence permits Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything Similar to Regulated Entertainment Monday – Sunday 10:00-24:00 Late Night Refreshment Monday – Sunday 23:00-24:00 Sale/Supply of Alcohol Monday-Sunday 12:00-24:00	Emma Howell	26/06/2019	5	N

SR All Actions Summary (CEH) (FEB 14)

<p><i>These are the conditions that are under Prevention of Public Nuisance</i></p> <p><i>Noise or vibration shall not emanate from the premises so as to cause a nuisance.</i></p> <p><i>Loudspeakers or public address systems shall not be located external to any part of the premises.</i></p> <p><i>No amplified music in the external areas.</i></p> <p><i>No films with an audible sound track in the external areas.</i></p> <p><i>Windows (in the public areas) at the premises shall be kept closed after 23:00.</i></p> <p><i>All external doors (to the public areas) shall be kept closed after 23:00 except during immediate access and egress.</i></p> <p><i>Live or recorded music shall be restricted to the area marked on the premises plan.</i></p> <p><i>No waste such as bottles or refuse shall be placed outside the premises between 22:00 and 08:00.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Regards</i> <i>Licensing</i></p>				
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REPORT ENDS

From: XXXXXXXXX
Sent: 24 June 2019 20:26
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Warren - McCauley, Josie
Subject: Noise disturbances at THE BARN, Ledbury

Dear Sir or Madam

I am emailing to express my continued concerns with regards to the noise disturbances at The Barn in Ledbury.

I am aware that The Barn has already, been contacted by the Environmental Health Department, in relation to the disturbances caused during their event that was held on Saturday, 8th June.

However, the disturbances continue.

On Friday 21st June an event was held at The Barn. Yet again live music was played way beyond a reasonable volume. As I have stated before it is so loud that I am unable to relax in my own home which is my basic human right. I couldn't even hear my own television.

The live music finished at 10.50 pm.

Music was then played through a sound system until 12.00 am whilst windows and doors at the venue were left open!

As I have stated before, I am aware that the owners have put up a 'polite notice' sign requesting customers to have consideration for the neighbours upon leaving the premises. This sign is absolutely pointless and completely ignored.

After the event had finished, further disturbances could be heard by the owners and others until 1 am.

Finally, at 1.15 am the owners locked up and left the premises. Only then was I able to go to bed to sleep. Bearing in mind that I have to be up early for work most weekends, this is a very late hour.

The following night I was looking forward to some peace and quiet as I knew that no other public event had been advertised at The Barn.

However, to my surprise the owners held what appeared to be a private function from 7 pm. There was no music played at this event, but the noise created by dozens of people socializing in the vicinity, which again is right outside my window, was enough to drive me out of my own home at 10 pm.

Two events in one weekend is in my opinion very inconsiderate.

I am still amazed that The Barn has been granted any kind of licence whatsoever, considering its location and how close it is to neighbouring properties. It is very unfortunate for me that I seem to be the only person living in the immediate vicinity of The Barn. I feel that because I am just one person, my views were ignored at the time of any licence being granted.

I am aware that other people have been disturbed by these events, but nobody will be experiencing the same noise levels that I am.

My weekends are ruined.

I would appreciate you looking into this matter.

Thank you.

Your faithfully

David Thomas

Xxxxxxxxxx
Xxxxxxxxxx
xxxxxxxxxx

Tel: [xxxxxxxxxx](#)

From: Licensing
Sent: 26 June 2019 08:54
To: Lynn Jones
Subject: St Katherine's Barn Premises Licence

Good morning

Thank you for your call to our Technical Support Team

Your licensable hours are shown on Part A and Part B of your premises licence (Part B must be on display at the premises).

Part A contains a set amount of conditions that you agreed to prior to the licence being granted. These must be adhered to whenever the premises is used for licensable activities

Please see below what the licensable activities and timings your premises licence permits

Plays / Films / Live Music / Recorded Music / Performances of Dance / Anything Similar to Regulated Entertainment

Monday – Sunday 10:00-24:00

Late Night Refreshment

Monday – Sunday 23:00-24:00

Sale/Supply of Alcohol

Monday-Sunday 12:00-24:00

These are the conditions that are under Prevention of Public Nuisance

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

Loudspeakers or public address systems shall not be located external to any part of the premises.

No amplified music in the external areas.

No films with an audible sound track in the external areas.

Windows (in the public areas) at the premises shall be kept closed after 23:00.

All external doors (to the public areas) shall be kept closed after 23:00 except during immediate access and egress.

Live or recorded music shall be restricted to the area marked on the premises plan.

No waste such as bottles or refuse shall be placed outside the premises between 22:00 and 08:00.

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.

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.

Regards
Licensing

Herefordshire.gov.uk

Licensing Section
Economy and Place Directorate
8 St Owen Street, Hereford
HR1 2PJ
Tel 01432 261761

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

From: Lynn Jones
Sent: 26 June 2019 12:10
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Re: St Katherine's Barn Premises Licence

Dear Sir/Madam

Thank you for your email. I appreciate that you are trying to help. I would just like to say that we don't ever open windows as there are no windows to open. The music was recorded at three different points and at three different times during the evening and the music was turned off at 11.00.

We are looking at how the building works with the planners at the moment. The proposal is for triple glazing to be fitted and for the roof to be insulated

We definitely don't place bottles or refuge outside at all through the evening and we use polycarbonate glasses to reduce noise. Also notices are displayed and we shepherd the public out and remind them to be quiet. Plus we lock up as quietly as we can.

I hope we can some satisfactory conclusion on this matter.

Yours faithfully,

Lynn Jones



Economy and Place Directorate
Director: Richard Ball

Lynn Jones
 XXXXXXXXXXXX
 XXXXXXXXXXXX
 XXXXXXXXXXXX
 XXXXXXXXXXXX

Your Ref:

Our Ref:

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk

26th June 2019

Dear Sir/Madam

ST KATHERINE'S BARN

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions are to be complied with.

On Friday 21st June 2019, it is alleged that the level of noise from the band was causing a nuisance and that windows were left open.

Please may I remind you that conditions on your premises licence must be complied with when the licence is in operation?

Prevention of Public Nuisance

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

Windows (in the public areas) at the premises shall be kept closed after 23:00.

Under Section 136 of the Licensing Act 2003 it is an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (premises licence). This offence on summary conviction is punishable with six months imprisonment and/or an unlimited fine.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation we **may** take enforcement action against you.

Yours faithfully,

EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

From: Jonathan Thomas
Sent: 16 July 2019 19:39
To: Licensing <licensing@herefordshire.gov.uk>; Ethelpline <ethelpline@herefordshire.gov.uk>; officeofbillwigginmp@parliament.uk; ledbury.reception@milleroptometrists.co.uk; Jonathan Thomas
Subject: Continuing noise disturbances at The Barn, Ledbury

To Hereford Licencing
Committee

Dear Sir or Madam

Thank you for the opportunity to request a review on the licencing agreement for The Barn in Ledbury.

I am in the process of completing the review form and will post it to you very shortly.

In the meantime please can you make a note of the following information.

As far as I'm aware, the owners have been approached by the Environmental Health Team advising them to adhere to the rules and regulations of the licencing agreement.

Yet again, I see no evidence that they are doing so.

During The Ledbury Fringe Festival from Thursday 4th July to Sunday 14th July, The Barn held seven events and as expected noise disturbances occurred all of that week.

On Monday 8th July the noise coming from The Barn was unbearable. I was surrounded by dozens of Silurian Morris Men right outside my flat. They might as well have been knocking their sticks together IN my flat considering the level of noise! This was followed by a music session at The Barn which commenced at approximately 9.30pm. At 11pm I had to endure an awful and extremely loud folk rendition of The Ace Of Spades by Motorhead! Have you got any idea what that sounds like? According to the rules and regulations of the licencing agreement, only low volume background music can be played after 11pm. Is this correct?

On Tuesday 9th July The Barn hosted 'Mirimakes Music' which involved five female singing acts. This event was advertised as starting at 7.30pm and finishing at 10.00pm. At 11.15pm I had to endure a very loud singalong of 'We're All Going On A Summer Holiday'. This event was very well attended, so you can imagine how much more noise was created. As I said earlier, it was advertised to finish at 10pm. However, the music finished at 11.50pm and I then had to listen to people leaving very noisily.

The owners have put up a new polite notice saying to customers 'Please leave quietly'. As I have mentioned before, any polite notice at The Barn asking people to leave quietly is meaningless and ignored.

On Thursday 11th July I had to endure and I quote from The Ledbury Fringe programme, 'A carnival of irresistible Punk n Folk n Roll'. This event was also well attended and yet again the noise was unbearable.

On Friday 12th July The Barn was open all day but the music did not start until 9pm. The music ended at 11.30pm. Again, this was not low level background music. As per usual as with any event held at The Barn, people left the premises noisily. The owners stayed on with a few other people, continuing to make a noise. Then at 1am they decided to start rolling barrels around ready I presume for the following night. Furthermore at this time a vehicle pulled up, thus adding to the noise.

I then had to listen to a drunken customer trying to get his point of view across in a very loud manner. I do not appreciate listening to terminology - and I quote 'F**k that sh*t!' so late at night right outside my window, especially knowing that I have to be up early for work in the morning. I have been advised to document disturbances including any foul language, so I am informing you.

Eventually, the owners left at 1.15am, noisily as per usual.

On Saturday 13th July the event held was advertised as a double bill featuring Anti Poet and Hedluv and Passman - a Cornish codpiece wearing rap duo. I have no idea what was going on this night but believe me it was very loud. Again it was very well attended with the audience determined to scream and shout as loud as they possibly could up until 11.50pm. Again, as people left there was more noise. The owners stayed on at the premises and eventually locked up - noisily at 1.15am

As far as my observations go, the owners are not adhering to the conditions set out in the licencing agreement. Why is this? Is this down to stupidity or arrogance? Or both? The owners do not appear to be showing any consideration to others in the vicinity. As I said before, they have been approached by The Environmental Health Team, yet there seems to be no improvement.

It is fair to say that even if the owners try to be quiet when they lock up and leave the premises, it does not matter. I can hear everything and at any time because of the close proximity between my flat and The Barn and just how quiet the area generally is, especially at night. I am unable to get to sleep until they have left locked up and left the premises.

Again I say, I am baffled as to how a late night licence was granted to The Barn, or indeed any licence for that matter when considering how close it is to neighbouring properties - and how quiet the area has always been prior to The Barn being there. I just wish somebody had visited the vicinity before the licence was given. They would have then foreseen the problems that would no doubt occur.

I have lived in the town centre in various flats all my adult life so I am accustomed to an acceptable level of noise. The situation I find myself in now is completely different and it is not about me having to adjust to change.

What is happening now is completely inconsiderate, unacceptable and unbearable and I wouldn't expect anyone else to tolerate it so why should I? I don't believe anyone would tolerate it.

I am not exaggerating when I say that these disturbances are not only making my home life miserable , but they are having a detrimental affect on me as a person. I find myself dreading going home. Surely this can't be right?

In closing, thank you again for the opportunity to ask for a review. I look forward to completing the review form for your attention.

However, I am not looking forward to this weekend's event at The Barn - yet again another 'DJ Night'!

Yours faithfully

David Thomas

XXXXXXXXXXXXX

XXXXXXXXXXXXX

XXXXXXXXXXXXX

tel: XXXXXXXXXXXXX

email: XXXXXXXXXXXXX

From: XXXXXXXXXXXXXXX

Sent: 01 August 2019 19:43

To: Licensing <licensing@herefordshire.gov.uk>; Ethelpline <ethelpline@herefordshire.gov.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; ledbury.reception@milleroptometrists.co.uk

Subject: Noise disturbances at The Barn, Ledbury

Dear Sir or Madam

Yet again I find myself contacting you to inform you of the continued noise disturbances at The Barn in Ledbury.

As far as I am aware the owners of The Barn have been approached by the Environmental Health Team after my initial complaints and reminded of the terms and conditions of their licence. However, there has been no improvement on their part whatsoever.

On Saturday 21st July, The Barn held an event called 'The Social'. This is a monthly event.

From 7pm to 12-05am I had to endure many people congregating right outside my window making a noise, whilst loud repetitive bass driven dance music was being played. At 11pm the music went up in volume. This continued until 11.30pm.

I have been informed by The Environmental Health Team that a condition of the licence is that music passed 11pm should be no more than low volume background music. A word that has been quoted to me by The Environmental Health Team was a 'murmur'.

The event was supposed to finish as 12pm, yet there was still a large number of people drinking and making a considerable noise right under my window until 12.45am. This is not acceptable!

Last weekend, Saturday 27th July, I was looking forward to a rare weekend free of noise disturbances as there was no event advertised at The Barn. To my dismay on the Saturday I noticed some posters had been hastily put up around the town to advertise a 'Singles Night', inviting people to bring their own records to play.

The event started at 8pm. As always the music was loud enough for me to hear even with my window closed and my television volume turned up in a vain attempt to drown out the music.

By 10pm I had had enough. Yet again I found myself being driven out of my flat. How am I expected to relax and enjoy the comfort of my own home with such disturbances going on every weekend?

I eventually returned to my flat at 1.45am. As I approached my door, to my surprise a woman who was being playfully chased by the man who is the owner of The Barn, nearly ran straight into me. My understanding is that The Barn is not supposed to be occupied at such a late hour. Is this correct? I should not have to put up with such nonsense, especially in the early hours of the morning.

From my observations despite being approached by The Environment Health Team, the owners of The Barn continue to arrogantly ignore the terms and conditions of the licencing agreement.

As invited to do so, I have completed the form to ask for a review of the licence and it is in the post. I would be grateful if you could acknowledge and let me know when you have received it.

I look forward to hearing from you.

Thank you.

Yours sincerely

David Thomas
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
Tel: XXXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXX
Sent: 12 August 2019 21:55
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; ledbury.reception@milleroptometrists.co.uk
Subject: Continued noise disturbances at The Barn

Dear Sir or Madam

I am emailing to inform you yet again of the noise disturbances at The Barn.

The event at The Barn last Friday, 9th August was advertised as an acoustic evening featuring one man singing with a guitar. However, the event spiralled in to an out of control drunken karaoke night! With regards to previous events at The Barn, it was by far the worst experience to date!

At about 9pm I observed a group of men in the outside drinking area, right underneath my window, were getting considerably drunk and very loud very quickly. At this point I knew that I was in for a 'bad night'. I had my windows shut and my television on loud in an attempt to drown out the noise and constant swearing.

At about 10pm it became obvious to me that some of these men had been given free reign of the microphone and it turned into a drunken 'free for all'. The noise was absolutely horrendous! One of the many songs that they were 'singing' was 'C'mon Feel The Noise'. How ironic, but most definitely not funny.

This cacophony continued past 11pm. At 11.10pm to my astonishment I then had to suffer the song 'Two Little Boys' by Rolf Harris at full volume over the sound system - whilst somebody was repeatedly chanting 'Do you wanna f****g dance?'. Again I say, I should not have to be subjected to such foul language late at night, when in fact I was ready to go to bed at 10.30pm as I was exhausted and had to be up early for work in the morning.

During the course of the evening I noticed two men urinating outside the main entrance of The Barn. Furthermore, doors and windows remained open all night. As I have referred to many times, and which is in accordance with the licensing agreement, doors and windows have to be shut at 11pm.

At 11.20pm the 'free for all' continued with an awful shouting rendition of 'American Pie' that seemed to go on forever, along with many other songs too numerous to mention. This went on until 11.50pm and customers then started to leave when the event came to an end. At 12.30am I was in bed, unable to sleep as I could clearly hear the owners still playing music in The Barn.

At 12.40am a vehicle turned up at The Barn and two men were let inside the premises. My understanding is that this is not allowed. Then bizarrely at the same time I noticed the owner Ms Jones arrive on her bicycle. I would like to reiterate - I was still in bed, still unable to sleep.

At 1.15pm they eventually locked up the premises and as per usual I was disturbed by their car engines and doors closing. I was so wound up by what I had to endure that night that I had very little sleep thereafter.

The next night there was a private party held at The Barn and this was very well attended and as you would expect, very noisy. There was live music that appeared to get louder as the evening progressed and it did not stop until 11.50pm. My understanding is that in accordance to the licensing agreement, live music has to stop by 11pm. Yet again doors and windows were left open all night.

I have been given noise recording equipment from the Environmental Health Team, but unfortunately and to my disappointment the equipment did not work last weekend, I have since reported this.

As advised by the Environmental Health Team I have not interacted with the owners of The Barn. However, I am frequently approached by Ms Jones, inviting me to come along to various events and 'enjoy' the music - whilst offering me free food and drink.

Yesterday, Sunday 11th August, I was approached by Ms Jones who to my astonishment informed me that she has actually suggested to somebody known to both of us, if they would consider swapping flats with me! Is this some kind of joke? As I stated in my request for a licence review, this attitude of the owners speaks volumes. Together with Mr Oakey's recent comment to my concerned landlord, stating that he could provide him with another tenant if I decided to move out - their attitude is nothing short of sheer stupidity and utter arrogance.

Further to my astonishment, Ms Jones also said to me that she often stands outside my flat and wonders if I can hear anything. Again, is this some kind of joke?

I chose the recent conversation as an opportunity to inform Ms Jones that I have requested a licence review and I will be sending her all of the relevant documents this week, as is requested by the Licensing Committee.

I strongly believe that the owners have no comprehension at all of the terms and conditions of their licensing agreement and continue to do as they please. After last Friday night, it is obvious to me that they are also unable to manage their own events.

As stated in my request for a licence review, the past six months where I have been subjected to continual and unacceptable disturbances from The Barn, has most certainly been stressful and it has had an impact on my health. I am seeing my GP this week.

I do not enjoy sending complaints to Herefordshire Council. Believe me I have got better things to be doing with my time. Mr. Oakey stated at The Shire Hall when applying for a late night licence, that events would be infrequent. This has not been the case - so yet again I find myself contacting you because of the continuous noise.

As much as I appreciate the opportunity to request a review of the licence, I can not help but feel let down as a member of the public, as this nonsense has been going on for far too long and is continuing and not improving.

As instructed, paper copies of all of my emails will be in the post to you this week to support my request for a review. I will also be handing all relevant documents to the owners of The Barn.

I look forward to hearing from you.

Yours faithfully

David Thomas
XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXXXX
Tel: XXXXXXXXXXXXX

From: XXXXXXXX
Sent: 19 August 2019 19:52
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; ledbury.reception@milleroptometrists.co.uk
Subject: Continual noise disturbances at The Barn

Dear Sir or Madam

Further to my emails over the last six months I am yet again emailing to complain about how much disturbance is being caused by The Barn in Ledbury.

On Friday 16th August The Barn held their monthly event called The Social. The music from the sound system played from 7pm until 11.50pm. There was no effort to reduce the volume at 11pm as is required. In fact, yet again the volume seemed to get louder as the evening progressed. .

As per usual customers were gathering in the outside drinking area which, please let me remind you, is right outside my window. As you would expect whatever the event and whatever the attendance people gather, so there is always going to be noise. Whether this 'people noise' measures over any acceptable scale or not is completely irrelevant. The point is that it is a disturbance and it is all happening right outside my window every weekend.

On Saturday 17th August The Barn hosted a live music event. As per usual the noise was just unbearable. The volume of the music was so loud that my flat was vibrating. The vicinity right outside my window was packed with people. This is just not acceptable. The first condition under 'The Prevention Of Public Nuisance' in the licence agreement states 'Noise or vibration shall not emanate from the premises so as to cause a nuisance'.

Yet again I felt forced to leave my flat just to get away as I could not even hear myself think. This was at 10.45pm. My basic human right to relax in my own home has been taken away.

Please note, yet again live music was being played past the cut off time of 11pm.

I am angry and completely baffled as to how on earth any licence was granted in the first place, when considering its location and how close it is to my home. I believe I have asked this question before, but were you aware that The Barn had neighbours and also of how close the venue and its outside drinking area is to my flat? Please can somebody get back to me on this query?

Reportedly the event could be heard all over the town. However, as I have said before there will be nobody who will be experiencing the same level of impact as myself. Who else would have felt forced to leave their home that night?

On both Friday and Saturday of last weekend I had to ring the 'out of hours' telephone number provided to me to report my concerns.

I was given recording equipment from the Environmental Health Team recently, but unfortunately it failed to work. It has since been taken away and I was not allowed to have it last weekend. Please can somebody let me know when I may receive the equipment again? There are live music events this weekend coming, both Friday and Saturday.

As I mentioned before I have not interacted with the owners of The Barn, as advised by the Environmental Health Team. However when I hand delivered all relevant documentation to The Barn on Friday 16th August, as was required of me, I engaged in a brief conversation with Ms Jones about the current situation. During this conversation it soon became evident to me, due to her ludicrous comments that she has no understanding of the severity of the situation and does not appear to be taking the issues raised seriously. I've made it quite clear to Ms Jones in the past that I will not be attending any event at The Barn and that I do not appreciate her constant invites to do so. With this

said, I was dumbfounded when after the conversation she yet again invited me to another event being held the following night. As I said, is she taking this seriously at all?

Considering how many times I have had to bring The Barn to your attention, I would be very interested to know how much of a dialogue there is between The Barn and the local authorities? I ask this because the situation is worsening and not improving. To my knowledge the owners of The Barn have been approached by the Environmental Health Team at least once. If any warnings have been issued then they are blatantly being ignored.

I would not be surprised if you are getting fed up with receiving such emails from me. Believe me, I'm fed up of sending them. Yes, they are repetitive. However, the owners repeatedly ignore the terms and conditions of the licensing agreement every weekend. I am only keeping a log of all events and reporting when necessary, as advised by the Licensing Committee and the Police.

In closing, as I have stated before, these disturbances have led me to consult my GP due to the impact they are having on my wellbeing. As a result I have since been prescribed with anti-depressants.

I look forward to hearing from you.

Yours faithfully

David Thomas

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XXXXXXXXXXXX
Tel: XXXXXXXXXXXX

From: XXXXXXXXXXXXXXX
Sent: 29 August 2019 19:57
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; ledbury.reception@milleroptometrists.co.uk
Subject: Continual noise disturbances at The Barn

Dear Sir or Madam

Please can you make a note of the following.

On Friday 23rd August The Barn held a live music event. It started at 7.30pm.

I rang the out of hours telephone number but for some reason couldn't get through so I asked my brother to make the call for me. He passed on the message about the complaint. At my request he also stated that I did not feel up to meeting anyone from the authorities should they decide to visit that night. I purely just wanted to have the complaint logged.

Later that night a gentleman from the Environmental Health Team visited The Barn which I am assuming accounts for the music coming to an abrupt stop at approximately 10.20pm for twenty minutes. He then telephoned me but I'm afraid I still felt unable to see him to discuss the matter further. If I am completely honest I was feeling overwhelmed and exhausted about the current situation and uneasy about him being observed by customers at The Barn entering my home - especially considering that my name is now on the public notices at The Barn informing people that I have asked for a review of The Barn's licence. However I was very appreciative of his visit and his understanding.

The live music started again at 10.40pm and sounded louder than before. The live music finished at 11pm. From there on until 11.45pm I had to tolerate loud music on the sound system.

As per usual I was then subjected to the noise of people leaving the premises. Furthermore at 12.15am there was a very loud conversation between the owner and another woman only feet away from the sign that says 'Please leave quietly'.

The following night there was another live band playing. As is often the case, I felt forced to go out to escape the disturbances. This was at 10.20pm

Later that night my brother visited me but I was still out. This was at 11.55pm. He noticed that there was still noise coming from people and loud music on the sound system in The Barn. The music stopped at 12.20am. He took it upon himself to record this on his mobile phone and will keep the footage should it be required.

On Sunday 25th August there were no events held at The Barn. However, the owners were coming and going all day creating a disturbance. The last time they visited the premises was 10.45pm. After tolerating two events back to back I was actually hoping for a day free of disturbances. However, this was not to be, as is often the case.

Finally can I also mention that on bank holiday Monday The Barn played extremely loud dance music in the outside drinking area directly below my window, from 11am until late afternoon. According to the licensing conditions it states...'**Loud speakers or public address systems shall not be located external to any part of the premises'**

I had an appointment with the Environmental Health Team on Wednesday 28th and they have installed noise recording equipment in my flat. I was given the equipment a few weeks ago but it failed to work and was taken away as it was required elsewhere.

I would be grateful if you could please consider the above information.

Thank you

Yours faithfully

David Thomas

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Tel: XXXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXX
Sent: 02 September 2019 17:15
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginp@parliament.uk>; Ledbury Reception <ledbury.reception@milleroptometrists.co.uk>
Subject: Continual noise disturbances at The Barn

Dear Sir or Madam

Please can you keep the following on record, thank you.

The Barn held a live music event on Friday 30th August called 'Folk Off'.

As is always the case with all events at The Barn, the usual unacceptable noise was created by the music and people attending the venue.
I telephoned the out of hours contact number to report my concerns.

Later on in the evening the Environmental Health Team visited The Barn to assess the situation.

As you may recall I currently have noise recording equipment on loan and I am pleased to say that it appeared to be working that night.

There was no event held the following night which has often been the case. To say that it was a welcomed relief would be an understatement.

Thank you very much.

Yours faithfully

David Thomas

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Tel XXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXXXXXX
Sent: 09 September 2019 19:41
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; Ledbury Reception <ledbury.reception@milleroptometrists.co.uk>
Subject: Continual noise disturbances at The Barn

Dear Sir or Madam

I am emailing to inform you of events that occurred at The Barn last weekend.

On Friday 6th September there was a live band and the volume of the music was absolutely unacceptable. Just for a change the live music actually finished before 11pm. A sound system played music until 11.30pm. As per usual customers at the venue were causing a lot of noise both inside and outside.

After a hard week at work I was fit for bed by 10.30pm knowing that I had to be up early for work again the following morning. As is always the case I was not able to go to bed until the event had finished and the premises were locked up and empty. This did not occur until 12.00am

The following night there was another live band playing, and this time they were even louder. After a sound check at 7.20pm the event began at 8.55pm. I could not believe how loud the music was. At 10.45pm the live music came to an end, Then the sound system played until 12.10am and believe me it was not at a 'background' level, which is a requirement of the licensing agreement. It is also a requirement to end the music by 12.00am.

Again, the customers were ignorant of the sign that clearly states 'Please leave quietly'. As I have said before the sign is a complete and utter waste of time.

I heard the owners eventually lock up and leave the premises at 1.10am. Again as I have said before, I am unable to sleep until the owners have left the building.

Having being subjected to two nights of live music I was looking forward to a peaceful lie on Sunday morning. However at 9.20am I was rudely awoken by the owners of The Barn and another couple arriving at the premises. The owner, Mr. Oakey and another gentleman then climbed a ladder on to a roof directly outside my bedroom window to noisily install a metal sculpture. I thought it was so inconsiderate that I took a photograph. Mr. Oakey looked up and said in what appeared to be a sarcastic tone, 'Morning Dave'. I did not appreciate this.

Is it not enough that I have to tolerate noise created from events every weekend? The owners come and go as they please more or less every day of the week, whatever the time. On Sunday afternoon Mr. Oakey returned to The Barn with other people for a few hours creating yet more noise. Do the owners not have homes to go to?

Noise recording equipment was in operation for both Friday and Saturday night.

Even though the owners are aware that their licence is under review, they are not taking any measures to improve the situation. I simply am unable to comprehend how inconsiderate they are.

I would be grateful if you could please keep this information on file,.

Thank you

Yours faithfully

David Thomas

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mobile XXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXXXXXX
Sent: 23 September 2019 20:05
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Ethelpline <ethelpline@herefordshire.gov.uk>; Contact Us WMP <contactus@westmercia.pnn.police.uk>; The Office of Bill Wiggin <officeofbillwigginmp@parliament.uk>; Ledbury Reception <ledbury.reception@milleroptometrists.co.uk>; McNally, Vince
Subject: Continued disturbances at The Barn

Dear Sir or Madam

I am contacting you to inform you of further disturbances that are emanating from The Barn.

I am aware that a hearing will be taking place at The Shire Hall on October 18th to review the venue's licence. However in the meantime the disturbances continue and so I would be grateful if you could keep this information on file.

I have been informed that the owners of The Barn have been advised not to hold any live music events during the last few weeks. However they have been open every day for 'Art At The Barn' where sculptures can be viewed by the general public. In a previous email I expressed my concerns with regards to how much noise was being created whilst these sculptures were being installed and at anti-social hours. This has continued.

During the week commencing Monday 16th September these disturbances occurred every day. The earliest occurrence was 7.40am and the latest was 10pm, right outside my window. These disturbances involved the constant 'clanging' of heavy metal objects being unloaded from vehicles, loud conversation and the relentless 'comings and goings' of the owners. As I have said many times before, The Barn is situated in a very quiet area right next to my home, so everything that occurs at this venue can be heard by myself very clearly.

I believe that such activities should be taking place during normal working hours.

May I also mention that on the 10th September the owner of The Barn constructed a metal fence and gate in the area. This involved very loud hammering, drilling and welding right outside my window until 8.45pm. When the metal gate is being opened and closed it is now adding even more noise. This is not acceptable in such a quiet area.

The Barn held a live music event last Saturday, 21st September. As is often the case I was forced to leave my home to escape the noise. I returned at 1.20am to find the owners still in The Barn with other people. From inside my flat I could clearly hear their conversation. They left at 1.30am.

As I have said before there is absolutely no consideration whatsoever shown by the owners to others in the area and they continue to disregard the terms and conditions of their licensing agreement.

It doesn't matter what event they plan to hold in the future, be it a music event, art exhibition or just serving tea and coffee, there is going to be unacceptable noise created by not just people attending the venue, but by the owners themselves. This occurs before, during and after every event as I have reiterated in previous emails as well as this one.

Thank you

Yours faithfully

David Thomas
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Tel: XXXXXXXXXXXXXXX

Representation made by the Local Authority 18 September 2019

I am an officer authorised under the Licensing Act 2003 and I make this representation on behalf of the Licensing Authority

I refer to the review of the premises licence in respect of St Katherine's, St Katherine's, Ledbury, HR8 1AQ

The Licensing Authority **supports the review** called in respect of these premises on the following grounds:

During the evening of Friday 23rd August 2019 I was part of the out of hours noise team and following a call from Mr Thomas we attended the vicinity of St Katherine's Barn, Ledbury.

Upon arrival, I saw a number of people wandering about in the vicinity of the barn. I could hear loud music emanating from the barn. A live band was making the music. The music had a heavy base sound to it. I could hear instrumental music being played which had a heavy base sound to it, there was also a male person singing.

We were parked about 20 yards away from the barn. I can say that in my opinion I felt that the noise was excessively loud for the area. As a result, whilst sitting in the car with the windows open, I recorded the noise on an approved and certified noise meter over a period of 5 minutes. During this period, the LAeq was found to be 60dB.

I noted that there was very little increase in the noise level when people entered the building through the sliding patio doors. The building seemed to offer very little noise attenuation.

To put this in perspective I would not want to live in the vicinity of these premises as the noise would be excessive for the area and cause me considerable nuisance.

Further information and copies of the sound recording will be provided by Environmental Health prior to the hearing.

Fred Spriggs

Principal Licensing Officer

MEMORANDUM

To : LICENSING OFFICER
 From : PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
 Tel : 01432 261676 My Ref : ELA/289449/
 Date : 16 September 2019 Your Ref :

LICENSING ACT 2003
APPLICATION FOR REVIEW OF PREMISES LICENCE
St Katherine's Barn St Katherine's, Ledbury, Herefordshire, HR8 1EA

Having assessed the above application, I would like to make the following representation:

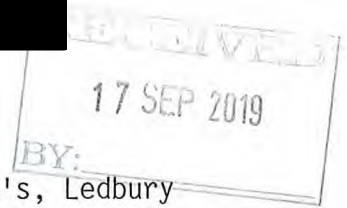
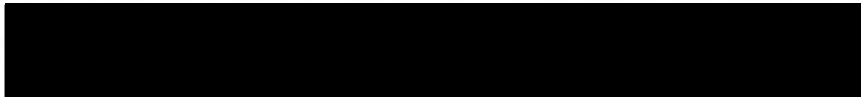
Representation	Industry Guidance
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>Over this summer the Environmental Protection team (EP team) have received a number of noise complaints regarding frequent and excessive noise from entertainment events held at St Katherine's Barn causing disturbance to the residents in the area, which ran late into the evenings.</p> <p>In response to the initial complaints the Environmental Protection team advised the premises management of these complaints and requested they review the matter. Following this the team received further complaints which were investigated and the team carried out routine noise monitoring of the area over the summer. This information identified there were loud music events being held, on a frequent basis, at the premises that were causing an excessive noise disturbance to the neighbouring dwellings and general area.</p> <p>Having considered this information the EP team will be supporting this call for a review on the grounds the Licensing objective 'Prevention of Public Nuisance' is not being met by the current licensing conditions, considering the premises location, structure, activities and noise management controls.</p>	

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL

FROM:

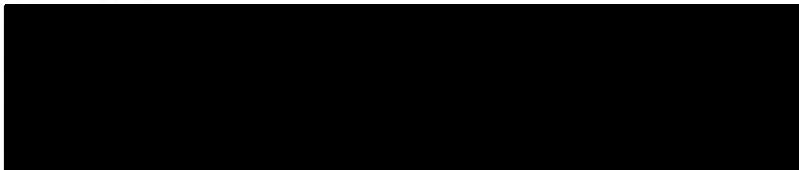


re. Review of Licencing House at The Barn, St. Katherine's, Ledbury
Requested by Mr. David Thomas.

I am a resident of St. Katherine's Hospital and since the opening of The Barn, the noise from the musical events is quite unbearable. This happens of Friday and Saturday every weekend.

The opening event during the Poetry Festival ended at midnight and since then the music has continued until this time. The constant drum beat without end all evening is quite annoying making it difficult to concentrate on anything inside the home. There is then the noise from cars and people leaving the premises thus making sleeping out of the question, sometimes until 1 or 2a.m.

i sincerely hope that your committee will give this matter your considered attention to my request and also on behalf of other residents of St. Katherine's and townspeople who have appealed to you regarding this matter.



The Licencing Section
Hereford County Council
8 ST. Owen Street
HEREFORD
HR1 2PJ

area late at night.

I am aware that the licence is being reviewed and I would like my concerns to be taken into consideration

yours sincerely

[Redacted signature]

20 SEP 2019

17.9.2019

Prevention of Nuisances

To whom it may concern

I would like to bring to your attention the unacceptable level of noise coming from - St Katherine's Barn Ledbury, Herefordshire. Every weekend I can clearly hear live, loud music played at an unacceptable level of volume, music being played past the cut off time and I regularly hear loud voices, shouting and laughter coming from the outside

RECEIVED
19 SEP 2019
BY:

17/9/2019

Dear Sir/Madam

I am writing to express my concern for the regular disturbances coming from The Barn in HEDBURY,

I am a resident in close proximity to the Barn & find the noise levels during their evening sessions - which is most weekends - after Friday, Saturday & Sunday going past midnight & sometimes even after 1am detrimental to my sleep & well being. Also the noise created by the people attending & leaving the Venue.

I understand that the license for the Barn is under review & would be grateful if my concerns were taken into consideration. Thank You. Yours sincerely

