

Agenda

Licensing sub-committee

Date: **Friday 16 October 2020**

Time: **10.30 am**

Place: **Online meeting only**

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

For any further information please contact:

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

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon

Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan

Agenda

PUBLIC INFORMATION		Pages
THE NOLAN PRINCIPLES		
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 VARIATION OF A PREMISES LICENCE IN RESPECT OF MCDONALDS RESTAURANT, BELMONT ROAD, HEREFORD. HR2 7HB - LICENSING ACT 2003	To consider an application for a variation of a premises licence in respect of McDonalds Restaurant, Belmont Road, Hereford. HR2 7HB.	13 - 46
5. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF BREWERY INN, BYE STREET, LEDBURY. HR8 2AG - LICENSING ACT 2003	To consider an application for a variation of a premises licence in respect of Brewery Inn, Bye Street, Ledbury. HR8 2AG.	47 - 80
6. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF 'BROMYARD SERVICE STATION, 1 THE BYPASS, BROMYARD. HR7 4DJ - LICENSING ACT 2003	To consider an application for a new premises licence in respect of Bromyard Service Station, 1 The Bypass, Bromyard, Herefordshire. HR7 4DJ.	81 - 114

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

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

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In the event of a fire or emergency the alarm bell will ring continuously.

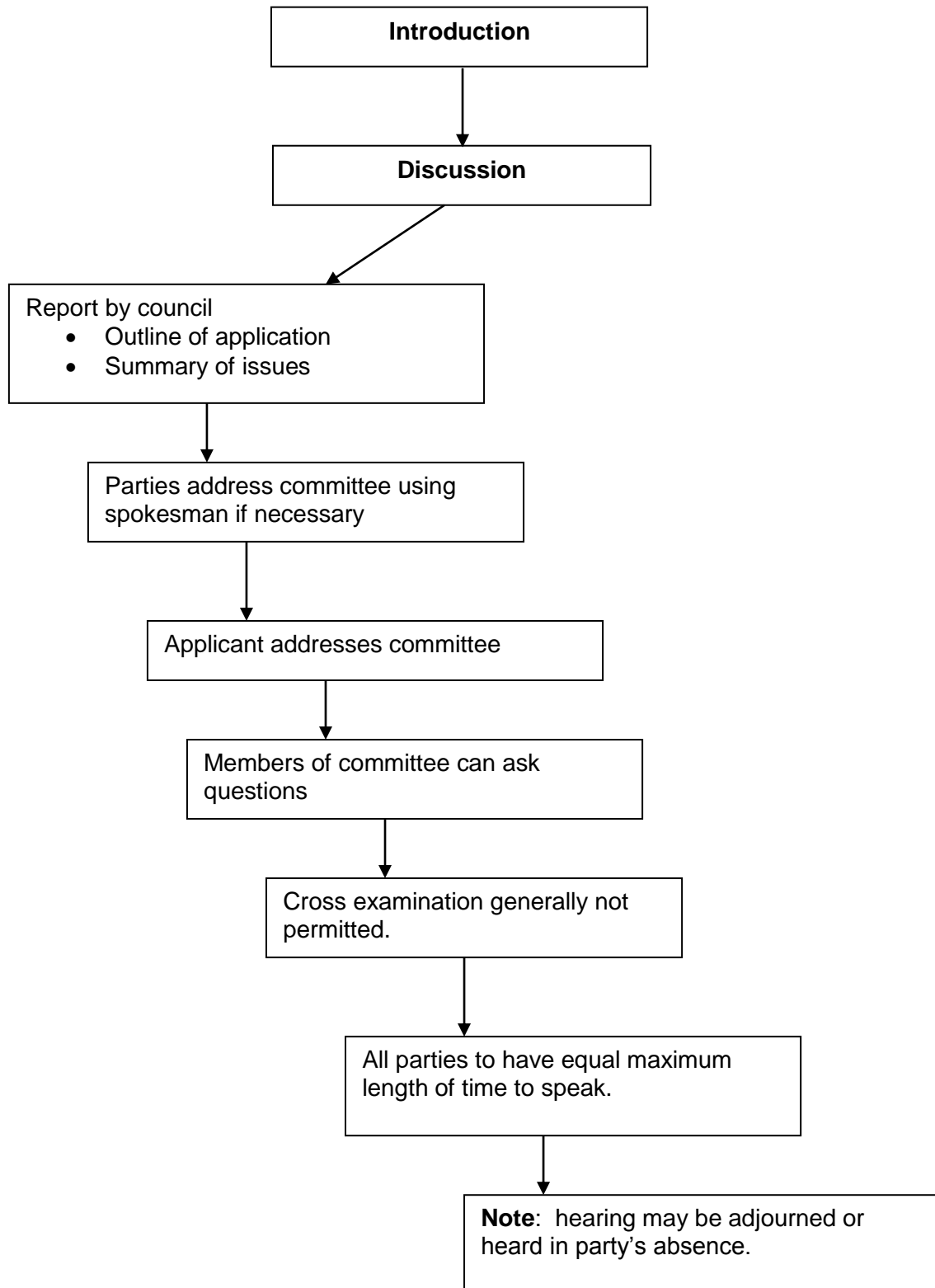
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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

Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Meeting:	Licensing sub committee
Meeting date:	Friday 16 October 2020
Title of report:	Application for a variation of a premises licence in respect of: McDonalds Restaurant, Belmont Road, Hereford. HR2 7HB - Licensing Act 2003
Report by:	Licensing Technical Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Hinton and Hunderton

Purpose

To consider an application for a variation of a premises licence in respect of McDonalds Restaurant, Belmont Road, Hereford. HR2 7HB.

Recommendation

THAT:

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

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

Options

1. There are a number of options open to the Sub-Committee:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

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

4. The details of the application are:

Applicant	Sarah McLean	
Agent	Not applicable	
Type of application: Variation	Date received: 25 August 2020	28 Days consultation ended 21 September 2020

Summary of Application

5. The application (appendix 1) requests a variation to the premises licence as follows:

Late Night Refreshment (Indoors/Outdoors)
Monday – Sunday 23:00 – 05:00.

6. Any premises selling hot food or hot drink at any time between 23:00 and 05:00 must be licensed under the Licensing Act 2003.

7. Late night refreshment also means the supply of hot food or hot drink to the public for consumption on or off the premises, between 23:00 – 05:00

8. A premises does not need to be licenced under the Act to sell/and supply hot food and/or hot drink outside these hours.

Premises History

9. The premises was first licenced in May 2018. Since being licenced the authority has received one (1) transfer premises application.

Current Licence

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

Late Night Refreshment

Monday – Sunday 23:00 until 24:00

Summary of Representations

11. One (1) Objection has been received from a Responsible Authority, West Mercia Police who have objected to the application in its entirety (appendix 3).
12. Four (4) members of the public have made representations which the authority deemed relevant (appendix 4).
13. A supporting letter was received from the premises licence holder when the application was submitted (appendix 5).
14. A visit was carried out to the premises by West Mercia Police following their objection submitted in relation to the application to discuss ways forward (appendix 6).

Community Impact

15. Any decision may have an impact on the local community.

Equality duty

16. 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.
17. 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.
18. There are no equalities implications arising from this report.

Financial implications

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

Legal Implications

20. As relevant representations have been received, the subcommittee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the subcommittee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
21. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
22. The sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
23. 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. 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.

24. 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.
25. 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'
26. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

27. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.

- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

28. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

29. 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

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

Appendices

Appendix 1 - Application for a variation of a premises licence

Appendix 2 - Current Premises Licence

Appendix 3 - West Mercia Police Objection

Appendix 4 - Public Representations

Appendix 5 - Email to support application from Premises Licence Holder.

Appendix 6 - Information received by West Mercia Police following premises visit

Background Papers

None

Herefordshire
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@herefordshire.gov.uk
 Telephone: 01432 261761

* required information

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

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

Applicant Business

- Is your business registered in the UK with Companies House? Yes No
- Registration number
- Business name If your business is registered, use its registered name.
- VAT number Put "none" if you are not registered for VAT.
- Legal status
- Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

91,000

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VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

The restaurant provides hot and cold food and soft drinks to eat in and take away. As well as customers being able to purchase food to take away by entering the premises they are also able to use the drive thru facility. The current trading hours are 6am to 12am and the proposal would be to extend these to operating 24/7.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

Continued from previous page...

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

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ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

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Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

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FRIDAY

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SATURDAY

Start	<input type="text" value="00:01"/>	End	<input type="text" value="00:00"/>
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SUNDAY

Start	<input type="text" value="00:01"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

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

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

1. Only experienced managers will oversee these shifts. These managers have been trained in conflict resolution.
2. A minimum of 2 managers are to work between 23:00-05:00.
3. There are historic good links with the local police that will help with communication of any issues.
4. CCTV coverage includes 31 HD cameras inside and outside the building covering all areas, complete with HD controller.
5. All shift managers are trained to operate the CCTV system and record the information on to a USB should it be required by the police.
6. Travel paths are completed by the management every hour.
7. Litter patrols are completed every hour by a member of staff supervised by management.

b) The prevention of crime and disorder

Only experienced managers will oversee these shifts. These managers have been trained in conflict resolution.
A minimum of 2 managers are to work between 23:00-05:00.
There are historic good links with the local police that will help with communication of any issues.
The restaurant will be risk assessed over this period and the outcome of the assessments incorporated into the shift patterns and responsibilities as appropriate.

c) Public safety

There is a CCTV monitor on the front counter as an aid to making customers aware they are being recorded.
CCTV records are kept for 31 days.
The restaurant has a history of good links with the local police that was established prior to the change of ownership.
COVID operating practices currently dictate limiting the number of customers either entering or dining in the restaurant.
This is controlled and monitored by the shift manager.

d) The prevention of public nuisance

Managers complete external hourly travel paths and would pick up litter but equally there is a hourly litter patrol completed by a member of staff and supervised by a manager.
The management team are prepared to assist with the litter patrols in local hot spots in the vicinity of the restaurant should the need arise.
Permanent notices will be placed at the customer order point in the drive-thru lane and at strategic points around the car park to raise awareness of reducing noise levels at night out of respect for our neighbours.

e) The protection of children from harm

Local police station details are kept on display in the managers office.
All managers and key staff on shift are first aid trained.
(As a general rule children are not being served at this time of day/night and if they are they are with their parents/guardians)

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NOTES ON REGULATED ENTERTAINMENT

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

Variation Fees are determined by the non domestic rateable value of the premises.

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

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

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

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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



LICENSING ACT 2003
Part A - Premises Licence

Premises licence number - PR01813 (Application to Transfer Premise Licence)

Part 1 - Premises details

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

**McDonald's Restaurant
Belmont Road
Hereford
Herefordshire
HR2 7HB**

Telephone number: **01432 272728**

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

Late Night Refreshment (Indoors/Outdoors)

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

Monday - Sunday from 06:00 until 24:00

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

Not applicable

Part 2

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

Sarah Jane McLean

XXXXX

XXXXX

XXXXX

XXXXX

XXXXX

XXXXX

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

Not Applicable

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

Not Applicable

Annex 1 - Mandatory conditions**Mandatory condition: 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**

The premises licence holder or their nominated representative shall meet with the local ward councillors for Belmont Ward, in consultation with Hereford City Council if appropriate, no less than quarterly on the request of the said local ward councillors. Such meetings will include litter picking issues for the prevention of public nuisance.

Prevention of Crime & Disorder

CCTV will be provided as follows:

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

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

Equipment MUST be maintained in good working order , be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days.

The Premises Licence Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

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

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

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

No open alcohol containers to be carried into the in-store area.

Self-closing doors must be present at the entrance to the premises.

Public Safety

The premises licence holder ensures they have procedures in place for the collection of litter on land owned/leased by and occupied by the premises. To include regularly checking of the exterior public areas and the clearing of any litter where necessary

Prevention of Public Nuisance

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. Staff employed at the premises shall remind customers of the requirement to leave quietly if necessary. Additionally systems to be in place with regards to monitoring and challenging any type of nuisance from customers using the premises car park whether on foot or mobile by any means.

The premises licence holder will ensure that the ingress and egress to the premises customer car park is not accessible to vehicles outside of operating hours.

Protection of Children from Harm

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans

As attached – Drawing Number: L/0983/002

**LICENSING ACT 2003
Part B - Premises licence summary**

Premises licence number - PR01813 (Application to Transfer Premise Licence)

Premises details

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

**McDonald's Restaurant
Belmont Road
Hereford
Herefordshire
HR2 7HB**

Telephone number: **01432 272728**

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

Late Night Refreshment (Indoors/Outdoors)

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

Monday - Sunday from 06:00 until 24:00

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

Not applicable

Part 2

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

Sarah Jane McLean

XXXXX

XXXXX

XXXXX

XXXXX

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

Not Applicable

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

None

From: West Mercia Police
Sent: 17 September 2020 14:49
To: Licensing
Cc:
Subject: McDdonalds license application

West Mercia Police are in receipt of an application to vary the premises licence for McDonald's Restaurant, Belmont Road, Hereford. The application is to extend the hours for late night refreshment to cover the full hours allowed of 2300hrs to 0500hrs.

West Mercia Police object to this application on the grounds to allow it as it is applied for will undermine the licensing objectives and those in particular concerning and not exclusively of the prevention of crime and disorder and the protection of children from harm.

If this matter progresses to a licensing hearing, West Mercia Police will submit information to support their objection in a timely manner prior to the date of the hearing.

[REDACTED]
MATES/Licensing Officer
Harm Hub Hereford Police Station
Ext 772 2229
[REDACTED]
[REDACTED]

Public Representations

From: Tillett, Kevin (Cllr)
Sent: 09 September 2020 12:29
To: Licensing <licensing@herefordshire.gov.uk>
Cc:
Subject: RE: Memo to RA's, App to Vary Premises Licence - McDonalds, Belmont

Thank you for the above notification. Having spoken to a number of local residents, I wish to object to this licence on the following grounds of public nuisance.

There are a large number of residential properties in the immediate vicinity, screened only by a narrow hedge. Noise from vehicles, the ordering system speakers, doors closing and deliveries plus light pollution all affect these properties. One resident told me that she can even hear the noise when shut in her bathroom! These residents are entitled to a few hours respite during normal sleeping time.

The application refers to regular litter picks. These may well occur within the site but there is litter strewn along the length of Belmont Road and neighbouring streets. The litter bin at the top of Blackmarston Road is regularly overflowing and a cause of complaints to Balfour Beatty. I have been on several litter picks in the area and there is always a lot of litter directly attributable to McDonalds.

Cllr - Hinton and Hunderton ward

From: XXXXXXXXXXXXXXXX
Sent: 03 September 2020 14:23
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Macdonalds request to open for 24 hours

We do not agree to Macdonalds opening for 24 hours. As it is there are young people gathering on the Belmont site to after midnight revving motor cycle engines then we have the noise from their cooling systems early morning.
To top this we have all the building noise from Beattie Avenue, constant banging of hammers and the dirt and dust coming into our houses, we have to keep our windows closed all the time, dust and noise from 8am til 4 oclock, then noise and smells from macdonalds til after midnight.
The amount of council tax we pay is horrendous. We feel totally disrespected by this council.
Please do not give 24 hour licensing, we cant cope with any more, we feel totally depressed with it all.

Sincerely XXXXX of Golden Post Hereford HR2 7BZ

From: XXXXXXXXXXXXXXXX
Sent: 17 September 2020 12:38
To: Licensing <licensing@herefordshire.gov.uk>
Subject: licensing for mc donalds belmont 24 hour opening

ref. pro1813

mc donalds is next door to us and we are fed up of late night noise from them it is no use complaining to them about it all as they all ways say they cant do anything about the noise outside.

on hearing about the 24hours opening we can have are say about it. we say no way it can not happen to us and all are neighbours we need to sleep and all so are children need to sleep and feel safe in there beds when there at home.

points are

1 (A) cars people in there car playing games with there horns thats deafening.

(B) refing there cars up to see who got the most power under the bonnet once again deatening.

(C) with all the above they raise there voices too so they can be heard above that.

2. when the delivery lorries come in there refridgeration is systems noisy which i know for a fact they can turn them off but they do not once again not fair. Get [Outlook for Android](#)

From: XXXXXXXXX

Sent: 07 September 2020 09:00

To: Licensing <licensing@herefordshire.gov.uk>

Subject: reference-PR01813

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Reference PR01813 Mc Donalds Belmont Road 24 hour application

Dear Sir/Madame Licensing Section

In relation to the above application I would like to strongly object to the proposed 24 hour opening.

My reason are as follows:-

I am a resident on Beattie Ave and for years now we have had to put up with the constant noise that has occurred since Mc Donalds has been built on the Belmont road. The nightly noise of the extractor fans humming and the slamming of waste containers goes on until midnight. Also it seems that the car park has become a congregating place for young people in their modified cars "Boy Racers" and the loud playing of music, revving of engines, shouting and screaming and the back firing of vehicles not to mention the screeching of tyres has become too much to put up with now, this will become worse if this application is approved.

It has also become popular for patrons of Mc Donalds to get their meals from the drive through and then park on Beattie Ave to then eat. The occupants of said vehicles think nothing of parking out side my house with their music blaring eating their food and having a great time while myself and my family are trying to go to sleep at a reasonable time of night. These persons then feel that it is appropriate to discard their food wrappings into the street. This discarding of rubbish will get worse if the 24 hour opening of the fast food outlet is allowed to continue.

My third and final point is that the government is trying to promote the health of the population because as a nation we are becoming obese and being overweight is a major factor in the

chances of mortality with infection of the corona virus. I don't think that giving people access to "fast food" 24 hours a day is a responsible approach by the powers that be in Herefordshire, to help with the national effort to combat this not only national, but global emergency with which we find ourselves up against.

I look forward to your response.

Yours sincerely

XXXXXXXXXXXX of Beattie Ave

-----Original Message-----

From: XXXXXXX

Sent: 24 August 2020 15:29

To: Licensing <licensing@herefordshire.gov.uk>

Subject: Supporting Letter: Application To Vary Premises License No. PR 0181312

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

I would like to take this opportunity in submitting my premises license application to introduce myself as the relatively new owner of the McDonald's at Belmont Rd, Hereford. I purchased the restaurant together with the one at Malvern from Philip Kempe on 2nd September 2019. I operate twenty-one restaurants across the broader West and East Midlands and have been a McDonald's owner/operator for nearly 19 years and with the McDonald's system for nearly forty years.

Over the last twelve months, I have made significant improvements at Hereford and the restaurant is now operated by one of my best business managers. The nine week closure during lock down, subsequent limited trading hours and restricted operating conditions, as you would expect, have placed an additional unanticipated pressure on the business. The restaurant has however, re-opened successfully with revised systems and procedures and with the staff adapting to this continually evolving new environment in a way I could only have wished for. I have also been made aware of a regular number of lapsed customers returning to visit which is a great endorsement of the work that the team are doing in improving quality, service and cleanliness standards.

On acquiring the restaurant last year, I had in mind that there was an opportunity to extend the hours from the current trading of 6am to 12am and would have looked to apply to vary my premises license at the beginning of the second quarter. The impact of the pandemic being what it was, this obviously changed my original plans. Going forward, being able to extend the opening hours to be able to trade 24/7 would have a significant positive impact on the business and given our current limited social distancing restrictions would help bring more of the existing staff off furlough and possibly create the opportunity to hire more employees.

Since becoming a franchisee, I have successfully extended the trading hours in virtually all of my sixteen drive-thrus where it is reasonably practicable and my team take fulfilment of the four licensing objectives very seriously going above and beyond the minimum requirements, to the extent that all of my applications have been granted without the condition of door supervision/guarding. I would therefore be very grateful if you would take the time to consider this application and would be prepared to discuss it with you at your convenience.

Yours sincerely,

West Mercia Police Visit – McDonalds 30/09/200020

PC 2368 Chris Lea and the members of the local Safer Neighbourhood Team met with the Franchisee, area manager and branch manager for the restaurant.

We discussed numerous topics to include littering, ASB and general noise.

The business will be producing a ASB management to identify/manage issues or concerns arising that may impact on the safety and the general quality of life of the local community.

The Franchisee has proposed opening until 2am in the first instance with a view in the following months may ask for a variation to extend the opening hours should the premises manage all matters of concern to the community to a satisfactory level

In principal I on behalf of West Mercia Police would not object to the restaurant hours being extended to 02:00hours daily subject to the relevant conditions being agreed/implemented.

Regards

MATES/Licensing Officer
Harm Hub Hereford Police Station



Meeting:	Licensing sub committee
Meeting date:	Friday 16 October 2020
Title of report:	Application for a variation of a premises licence in respect of: Brewery Inn, Bye Street, Ledbury, HR8 2AG - 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 variation of a premises licence in respect of Brewery Inn, Bye Street, Ledbury. HR8 2AG.

Recommendation

THAT:

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

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

Options

1. There are a number of options open to the Sub-Committee:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

3. The application (appendix 1) for a variation of the premises licence has received representation and is brought before the committee for determination.

4. The details of the application are:

Applicant	Marstons PLC	
Agent	John Gaunt & Partners	
Type of application: Variation	Date received: 14 August 2020	28 Days consultation ended 10 September 2020

Summary of Application

5. The application (appendix 1) requests a variation to the premises licence as follows:

The application seeks approval for alterations to the approved layout of the premises both internally and externally and to regularise the position in respect of the external beer garden and garage area at the premises.

There will be no change to the Licensable Activities, timings or conditions.

Premises History

6. The premises was first licenced in 2005. Since being licenced the authority has received two (2) transfer premises applications, three (3) vary Designated Premises Supervisor (DPS) applications and one (1) variation application (not including the one put before you today).

Current Licence

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

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Summary of Representations

8. Two (2) Objections have been received from the Responsible Authorities, the Local Authority – appendix 3 and Trading Standards – appendix 4.

Community Impact

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

Equality duty

10. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
11. Article 8(i) of the European Convention of Human Rights provides that everyone has

Further information on the subject of this report is available from
Licensing Technical Officer 01432 261761

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.

12. There are no equalities implications arising from this report.

Financial implications

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

Legal Implications

14. As relevant representations have been received, the subcommittee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the subcommittee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
15. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
16. The subcommittee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
17. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. 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.
18. 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.
19. 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'.

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

Right of Appeal

21. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).
22. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

23. 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

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

Appendices

- Appendix 1 - Application for a variation of a premises licence
- Appendix 2 - Current Premises Licence
- Appendix 3 - Local Authority Representation
- Appendix 4 - Trading Standards Representation

Background Papers

None

Further information on the subject of this report is available from
Licensing Technical Officer 01432 261761

Herefordshire
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@herefordshire.gov.uk
 Telephone: 01432 261761

* required information

Section 1 of 18

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

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

Applicant Business

- Is the applicant's business registered in the UK with Companies House? Yes No
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

16,500

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

Current Position

The premises are currently licensed under Premises Licence no. PR00066 and the current approved Premises Licence drawing dates back to May 2005 and reflects the licensed area internally at ground floor and first floor and externally at ground floor.

This layout was approved to the Premises Licence following the conversion to the Licensing Act 2003 regime.

Purpose of Variation

This application seeks approval for alterations to the approved layout of the premises both internally and externally and to regularise the position in respect of the external beer garden and garage area at the premises.

A copy of the plan showing the proposed layout being drawing no. 12541/15507/DF is attached to this application.

The application would seek to incorporate formally the external beer garden, covered walkway and garage serverly area within the licensed area as reflected on the plan deposited with the application.

Internal Alterations

Briefly the internal alterations comprise the inclusion of the area prior to the covered walkway out to the external area to be included in the overall licensed footprint for the site to properly reflect the premises usage.

External Alterations

Continued from previous page...

Briefly the alterations comprise externally as follows:-

- The covered walkway external beer garden and garage servery to be incorporated into the licensed area, to be managed by the relevant conditions already in place on Premises Licence no. PR00066.
- The "garage servery" to be incorporated into the licensed area externally.
- The principal inclusion of the "garage servery" area is to allow the venue to be able to offer a servery to assist with the safe and controlled facilitation of customers at the premises. The external area would still be subject to the condition on the Premises Licence namely "the outside area shall not be used for the consumption of alcohol or licensable activities after 11.30pm".

The external area which it is proposed would include the garage servery has traditionally been used as a consumption area and this will not change aside from the licensing of the garage servery and the entirety of the external layout itself. The inclusion of this serves to assist the premises in the provision of licensable activities at the premises. The works themselves are intended to improve the premises and it is not anticipated that the licensing objectives will be adversely affected by this variation and the operating statement has been completed on that basis.

In that there is no change to the hours proposed by the application or conditions, boxes A – H, late night refreshment and sale by retail of alcohol have not been completed.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Continued from previous page...

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Continued from previous page...

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

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

Not applicable

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

Continued from previous page...

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

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

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

I have undertaken my own risk assessment to take the following proposed steps.

This application is principally made to incorporate and regularise the external areas within the licensed area at the premises. The current conditions as reflected on Premises Licence no. PR00066 are reasonable and proportionate to any variation to the Licence upon this application and no further risks have been identified which need to be addressed.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

Continued from previous page...

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

No further risks have been identified which need to be addressed

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

Variation Fees are determined by the non domestic rateable value of the premises.

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

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

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

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

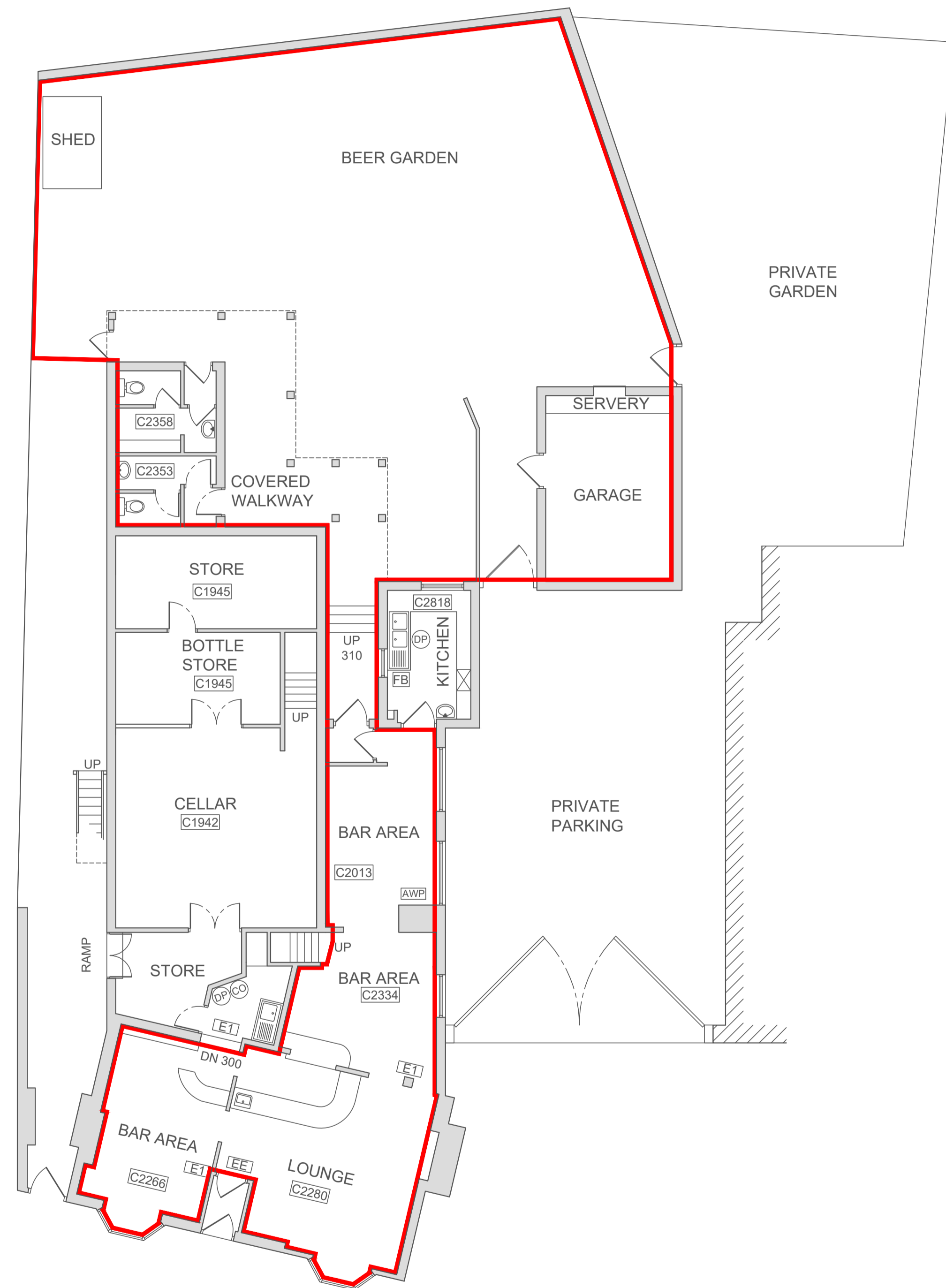
Date and time submitted

Approval deadline

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Is Digitally signed

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



GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES:
 1/ Each layout on the drawing has detailed against it how the information was gathered and drawn:
 Check Survey - Information has been drawn up from original paper drawings and then checked on site and modified accordingly.
 Full Survey - Complete on site survey carried out

KEY

- [N1] General Fire Notice
- [N2] Staff Fire Notice
- [N3] 'Fire Door Keep Locked' sign
- [N4] 'Fire Exit Keep Clear' sign
- [N5] 'Fire Door Keep Locked' sign
- [FB] Fire Blanket
- [DP] Dry Powder Fire Extinguisher
- [CO] Carbon Dioxide Fire Extinguisher
- [FO] Foam Fire Extinguisher
- [WA] Water Fire Extinguisher
- [E1] Emergency Light Fitting
- [EE] Emergency Exit Sign
- [H] Heat Detector
- [S] Smoke Detector
- [C] Break Glass Call Point
- [L] Fire Alarm Sounder
- [FAP] Fire Alarm Panel
- [AWP] Amusement with Prizes
- [SWP] Skill with Prizes
- [ATM] Cash machines
- [PP] Pay Phone
- [J] Juke Box
- [C] Cigarette M/c

Revision	F		
Revision	E		
Revision	D		
Revision	C		
Revision	B		
Revision	A		
Revision	Date	By	Note

	fishercad Services Ltd 4-6 Poplar Court Union Street Bridgtown Cannock Staffordshire WS11 3BY Tele: 01543 504543 Fax: 01543 467117 Email: drawings@fishercad.co.uk
	Services WEB Site: fishercad.co.uk

JOB TITLE
**THE BREWERY INN,
 HEREFORD.**

DRAWING
**GROUND FLOOR PLAN
 WITH BEER GRADEN
 & FIRST FLOOR PLAN**

SCALE 1:100	DATE MAY '05	DRAWN
PROJECT UPC-LIC	DRAWING NO 12541/15507/DF	PHC 15507



LICENSING ACT 2003
Part A - Premises Licence

Premises licence number - PR00066 (App to Vary Premises DPS)

Part 1 - Premises details

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

**BREWERY INN
Bye Street
Ledbury
HR8 2AG**

Telephone number: **01531 634272**

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

1. Any playing of recorded music (Indoors)

2. Any Playing of Live Music (Indoors)

Provision of refreshment or alcohol

2. Provision of late night refreshment (Indoors)

3. Sale by retail of alcohol (For consumption both on and off the premises)

Further details:

(Any playing of recorded music) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified.

The times the licence authorises the carrying out of licensable activities

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30**

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

The opening hours of the premises

Sunday – Thursday - from 10:00 until 00:30

Friday – Saturday from 10:00 until 01:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:30**

**When the clocks move forward at British Summertime, the terminal hour
will adjust accordingly**

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

**Marston's PLC
Marston's House
Brewery Road
Wolverhampton
WV1 4JT**

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

**Keith Swingler
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: XXXXX**

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 objectives****General:****Prevention of Crime & Disorder:**

1. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
2. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Public Safety:

1. To comply with the reasonable requirements of the building control officer

The Licensee shall take all reasonable precautions to ensure the safety of the public and performers on the premises.

In undertaking any or all of the conditions, the Licensee shall comply with all reasonable requests of the Licensing Authority Officers.

OVERCROWDING

Adequate systems shall be in place to control numbers of persons entering the premises to prevent over crowding and alleviate crowd control problems. During an event the maximum permitted numbers shall be as set by the Fire Officer.

VENTILATION AND HEATING

Adequate means of ventilation and heating shall be provided at the premises whilst open to the public and shall be maintained in a proper working condition

FIRST AID

The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

LIGHTING

All parts of the premises shall be provided with adequate illumination during the whole time the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems

Prevention of Public Nuisance:

Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

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

NOISE AND VIBRATION

The licensee shall be responsible for ensuring the local area is assessed, from time to time, for noise breakout from the premises during performances.

The outside area shall not be used for the consumption of alcohol or licensable activities after 11:30pm.

Protection of Children from Harm:

Children under the age of 16 shall not be permitted to enter the premises after 21:00

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

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

Annex 3 - Conditions attached after a hearing by the licensing authority

HOURS OF LICENSABLE ACTIVITY

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Tuesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Wednesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Thursday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Friday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Saturday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Sunday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030

NON STANDARD TIMINGS

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Bank Holiday Sunday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Bank Holiday Monday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Christmas Eve	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Boxing Day	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130

REMOVAL OF CONDITIONS

- A current inspection certificate should be held for all electrical installations in accordance with BS7671 and BS52266-1.
- The gas installation shall hold a current safety certificate signed by a member of the Council for Registered Gas Installers (CORGI).

NEW CONDITIONS

- All external windows at the front of the premises to be closed after 2300 if live or recorded music is being played.

Annex 4 - Plans

As attached

**LICENSING ACT 2003
Part B - Premises licence summary**

Premises licence number - PR00066 (App to Vary Premises DPS)

Premises details

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

**BREWERY INN
Bye Street
Ledbury
HR8 2AG**

Telephone number: **01531 634272**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

3. Any playing of recorded music (Indoors)

4. Any Playing of Live Music (Indoors)

Provision of refreshment or alcohol

2. Provision of late night refreshment (Indoors)

3. Sale by retail of alcohol (For consumption both on and off the premises)

Further details:

(Any playing of recorded music) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified.

The times the licence authorises the carrying out of licensable activities

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30**

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

The opening hours of the premises

Sunday – Thursday - from 10:00 until 00:30

Friday – Saturday from 10:00 until 01:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:30**

**When the clocks move forward at British Summertime, the terminal hour
will adjust accordingly**

Name, (registered) address of holder of premises licence

**Marston's PLC
Marston's House
Brewery Road
Wolverhampton
WV1 4JT**

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

For consumption on and off the premises

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

Keith Swingler

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

Restricted

Licensing Objectives:

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Children under the age of 16 shall not be permitted to enter the premises after 21:00

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

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

Local Authority Rep – Brewery Inn, Ledbury 10.09.2020

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to a premise licence in respect of 'Brewery Inn, Ledbury'.

Having looked at the current licence it is clear that it is not fit for purpose as the licence contains a number of conditions which are not clear or precise and unenforceable.

The authority therefore looks to the applicant to agree to remove all the non-mandatory conditions and replace them with those shown below:

Prevention of Crime & Disorder

1. No customers carrying open bottles upon entry, shall be admitted to the premises at any times when the premises are open to the public.
2. Where CCTV installed. It will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
Cameras shall encompass all ingress and egress to the premises.
A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.
Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.
3. No open containers will be removed from the premises

Public Safety

Capacity limits

4. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises
5. First aid
A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves

Local Authority Rep – Brewery Inn, Ledbury 10.09.2020

Prevention of Public Nuisance

6. 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.
7. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
8. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
9. All external windows at the front of the premises to be closed after 2300 if live or recorded music is being played.
10. The outside area shall not be used for the consumption of alcohol or licensable activities after 23:30hours.

Protection of Children from Harm

11. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
12. Children under the age of 16 shall not be permitted to enter the premises after 21:00
13. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

If the applicant agrees to the above conditions being put onto the premises licence, the Licensing Authority will withdraw their objection

Fred Spriggs

**Principal Licensing Officer
Herefordshire Council**



From: Trading Standards
Sent: 28 August 2020 14:51
To: 'probson@john-gaunt.co.uk' <probson@john-gaunt.co.uk>
Subject: Brewery Inn variation of licence

Dear Mr Robson,

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

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

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

- **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 of 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.**
- **A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**

Can I ask you to e-mail your agreement or otherwise in relation to these conditions. Many thanks.

Kind regards

Principal Trading Standards Officer

Herefordshire Council



Meeting:	Licensing sub committee
Meeting date:	Friday 16 October 2020
Title of report:	Application for a variation of a premises licence in respect of: Brewery Inn, Bye Street, Ledbury, HR8 2AG - 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 variation of a premises licence in respect of Brewery Inn, Bye Street, Ledbury. HR8 2AG.

Recommendation

THAT:

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

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

Options

1. There are a number of options open to the Sub-Committee:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

3. The application (appendix 1) for a variation of the premises licence has received representation and is brought before the committee for determination.

4. The details of the application are:

Applicant	Marstons PLC	
Agent	John Gaunt & Partners	
Type of application: Variation	Date received: 14 August 2020	28 Days consultation ended 10 September 2020

Summary of Application

5. The application (appendix 1) requests a variation to the premises licence as follows:

The application seeks approval for alterations to the approved layout of the premises both internally and externally and to regularise the position in respect of the external beer garden and garage area at the premises.

There will be no change to the Licensable Activities, timings or conditions.

Premises History

6. The premises was first licenced in 2005. Since being licenced the authority has received two (2) transfer premises applications, three (3) vary Designated Premises Supervisor (DPS) applications and one (1) variation application (not including the one put before you today).

Current Licence

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

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Summary of Representations

8. Two (2) Objections have been received from the Responsible Authorities, the Local Authority – appendix 3 and Trading Standards – appendix 4.

Community Impact

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

Equality duty

10. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
11. Article 8(i) of the European Convention of Human Rights provides that everyone has

Further information on the subject of this report is available from
Licensing Technical Officer 01432 261761

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.

12. There are no equalities implications arising from this report.

Financial implications

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

Legal Implications

14. As relevant representations have been received, the subcommittee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the subcommittee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
15. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
16. The subcommittee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
17. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. 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.
18. 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.
19. 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'.

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

Right of Appeal

21. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).
22. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

23. 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

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

Appendices

- Appendix 1 - Application for a variation of a premises licence
- Appendix 2 - Current Premises Licence
- Appendix 3 - Local Authority Representation
- Appendix 4 - Trading Standards Representation

Background Papers

None

Further information on the subject of this report is available from
Licensing Technical Officer 01432 261761

Herefordshire
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@herefordshire.gov.uk
 Telephone: 01432 261761

* required information

Section 1 of 18

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

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

Applicant Business

- Is the applicant's business registered in the UK with Companies House? Yes No
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

16,500

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

Current Position

The premises are currently licensed under Premises Licence no. PR00066 and the current approved Premises Licence drawing dates back to May 2005 and reflects the licensed area internally at ground floor and first floor and externally at ground floor.

This layout was approved to the Premises Licence following the conversion to the Licensing Act 2003 regime.

Purpose of Variation

This application seeks approval for alterations to the approved layout of the premises both internally and externally and to regularise the position in respect of the external beer garden and garage area at the premises.

A copy of the plan showing the proposed layout being drawing no. 12541/15507/DF is attached to this application.

The application would seek to incorporate formally the external beer garden, covered walkway and garage serverly area within the licensed area as reflected on the plan deposited with the application.

Internal Alterations

Briefly the internal alterations comprise the inclusion of the area prior to the covered walkway out to the external area to be included in the overall licensed footprint for the site to properly reflect the premises usage.

External Alterations

Continued from previous page...

Briefly the alterations comprise externally as follows:-

- The covered walkway external beer garden and garage servery to be incorporated into the licensed area, to be managed by the relevant conditions already in place on Premises Licence no. PR00066.
- The "garage servery" to be incorporated into the licensed area externally.
- The principal inclusion of the "garage servery" area is to allow the venue to be able to offer a servery to assist with the safe and controlled facilitation of customers at the premises. The external area would still be subject to the condition on the Premises Licence namely "the outside area shall not be used for the consumption of alcohol or licensable activities after 11.30pm".

The external area which it is proposed would include the garage servery has traditionally been used as a consumption area and this will not change aside from the licensing of the garage servery and the entirety of the external layout itself. The inclusion of this serves to assist the premises in the provision of licensable activities at the premises. The works themselves are intended to improve the premises and it is not anticipated that the licensing objectives will be adversely affected by this variation and the operating statement has been completed on that basis.

In that there is no change to the hours proposed by the application or conditions, boxes A – H, late night refreshment and sale by retail of alcohol have not been completed.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Continued from previous page...

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Continued from previous page...

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

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

Not applicable

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

Continued from previous page...

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

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

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

I have undertaken my own risk assessment to take the following proposed steps.

This application is principally made to incorporate and regularise the external areas within the licensed area at the premises. The current conditions as reflected on Premises Licence no. PR00066 are reasonable and proportionate to any variation to the Licence upon this application and no further risks have been identified which need to be addressed.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

Continued from previous page...

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

No further risks have been identified which need to be addressed

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

Variation Fees are determined by the non domestic rateable value of the premises.

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

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

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

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

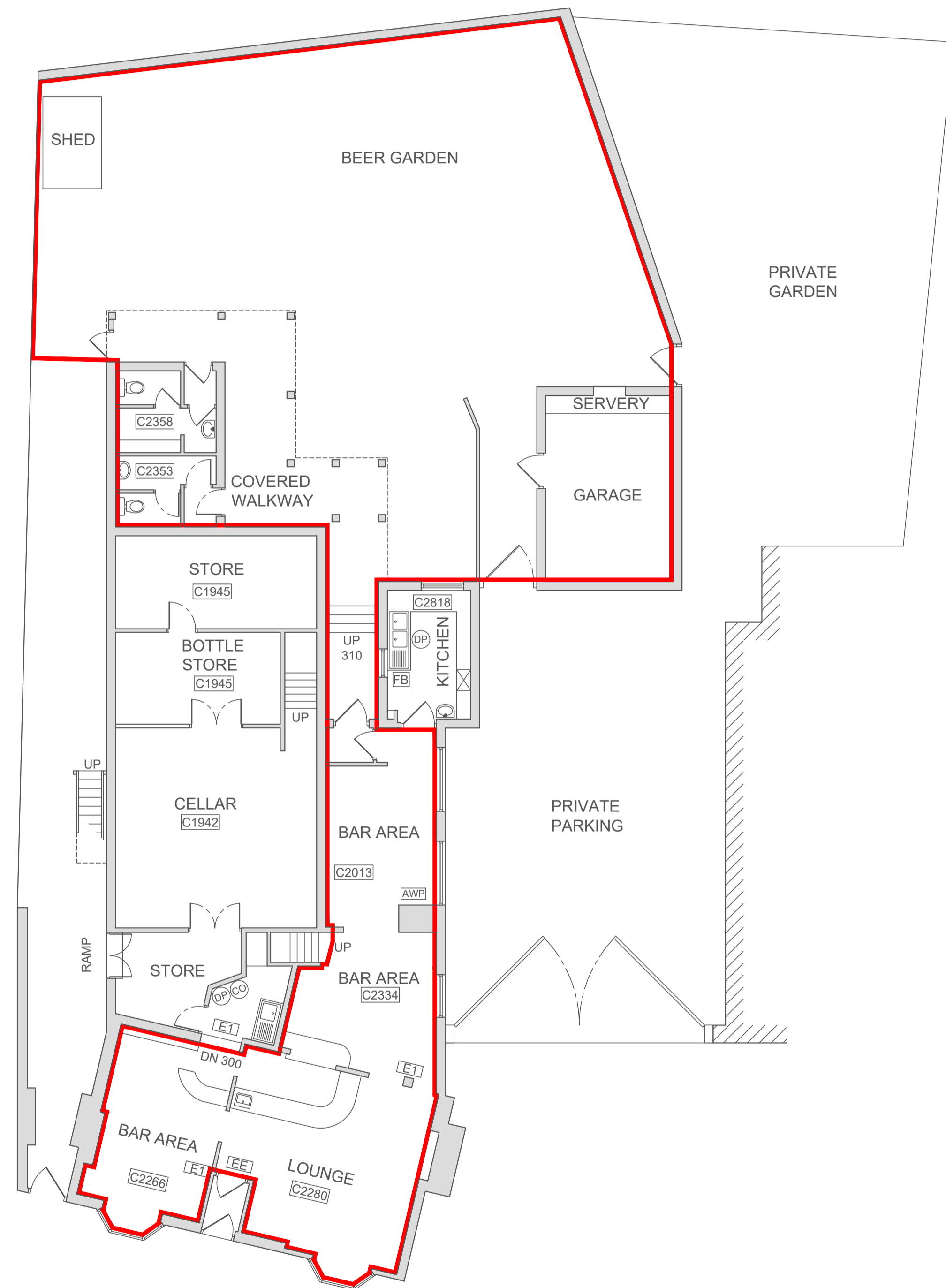
Date and time submitted

Approval deadline

Error message

Is Digitally signed

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



GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES:
 1/ Each layout on the drawing has detailed against it how the information was gathered and drawn:
 Check Survey - Information has been drawn up from original paper drawings and then checked on site and modified accordingly.
 Full Survey - Complete on site survey carried out

KEY

- [N1] General Fire Notice
- [N2] Staff Fire Notice
- [N3] 'Fire Door Keep Locked' sign
- [N4] 'Fire Exit Keep Clear' sign
- [N5] 'Fire Door Keep Locked' sign
- [FB] Fire Blanket
- [DP] Dry Powder Fire Extinguisher
- [CO] Carbon Dioxide Fire Extinguisher
- [FO] Foam Fire Extinguisher
- [WA] Water Fire Extinguisher
- [E1] Emergency Light Fitting
- [EE] Emergency Exit Sign
- [H] Heat Detector
- [S] Smoke Detector
- [C] Break Glass Call Point
- [L] Fire Alarm Sounder
- [FAP] Fire Alarm Panel
- [AWP] Amusement with Prizes
- [SWP] Skill with Prizes
- [ATM] Cash machines
- [PP] Pay Phone
- [J] Juke Box
- [C] Cigarette M/c

Revision	Date	By	Note
Revision F			
Revision E			
Revision D			
Revision C			
Revision B			
Revision A			

	fishercad Services Ltd 4-6 Poplar Court Union Street Bridgtown Cannock Staffordshire WS11 3BY Tele: 01543 504543 Fax: 01543 467117 Email: drawings@fishercad.co.uk
	Services WEB Site: fishercad.co.uk

JOB TITLE
 THE BREWERY INN,
 HEREFORD.

DRAWING
 GROUND FLOOR PLAN
 WITH BEER GRADEN
 & FIRST FLOOR PLAN

SCALE	DATE	DRAWN
1:100	MAY '05	PHC
PROJECT	DRAWING NO	PHC
UPC-LIC	12541/15507/DF	15507



LICENSING ACT 2003
Part A - Premises Licence

Premises licence number - PR00066 (App to Vary Premises DPS)

Part 1 - Premises details

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

**BREWERY INN
Bye Street
Ledbury
HR8 2AG**

Telephone number: **01531 634272**

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

- 1. Any playing of recorded music (Indoors)**
 - 2. Any Playing of Live Music (Indoors)**
- Provision of refreshment or alcohol**
- 2. Provision of late night refreshment (Indoors)**
 - 3. Sale by retail of alcohol (For consumption both on and off the premises)**

Further details:

(Any playing of recorded music) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified.

The times the licence authorises the carrying out of licensable activities

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30**

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

The opening hours of the premises

Sunday – Thursday - from 10:00 until 00:30

Friday – Saturday from 10:00 until 01:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:30**

**When the clocks move forward at British Summertime, the terminal hour
will adjust accordingly**

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

**Marston's PLC
Marston's House
Brewery Road
Wolverhampton
WV1 4JT**

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

**Keith Swingler
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: XXXXX**

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 objectives****General:****Prevention of Crime & Disorder:**

1. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
2. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Public Safety:

1. To comply with the reasonable requirements of the building control officer

The Licensee shall take all reasonable precautions to ensure the safety of the public and performers on the premises.

In undertaking any or all of the conditions, the Licensee shall comply with all reasonable requests of the Licensing Authority Officers.

OVERCROWDING

Adequate systems shall be in place to control numbers of persons entering the premises to prevent over crowding and alleviate crowd control problems. During an event the maximum permitted numbers shall be as set by the Fire Officer.

VENTILATION AND HEATING

Adequate means of ventilation and heating shall be provided at the premises whilst open to the public and shall be maintained in a proper working condition

FIRST AID

The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

LIGHTING

All parts of the premises shall be provided with adequate illumination during the whole time the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems

Prevention of Public Nuisance:

Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

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

NOISE AND VIBRATION

The licensee shall be responsible for ensuring the local area is assessed, from time to time, for noise breakout from the premises during performances.

The outside area shall not be used for the consumption of alcohol or licensable activities after 11:30pm.

Protection of Children from Harm:

Children under the age of 16 shall not be permitted to enter the premises after 21:00

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

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

Annex 3 - Conditions attached after a hearing by the licensing authority

HOURS OF LICENSABLE ACTIVITY

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Tuesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Wednesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Thursday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Friday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Saturday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Sunday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030

NON STANDARD TIMINGS

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Bank Holiday Sunday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Bank Holiday Monday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Christmas Eve	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Boxing Day	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130

REMOVAL OF CONDITIONS

- A current inspection certificate should be held for all electrical installations in accordance with BS7671 and BS52266-1.
- The gas installation shall hold a current safety certificate signed by a member of the Council for Registered Gas Installers (CORGI).

NEW CONDITIONS

- All external windows at the front of the premises to be closed after 2300 if live or recorded music is being played.

Annex 4 - Plans

As attached

**LICENSING ACT 2003
Part B - Premises licence summary**

Premises licence number - PR00066 (App to Vary Premises DPS)

Premises details

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

**BREWERY INN
Bye Street
Ledbury
HR8 2AG**

Telephone number: **01531 634272**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

3.Any playing of recorded music (Indoors)

4.Any Playing of Live Music (Indoors)

Provision of refreshment or alcohol

2.Provision of late night refreshment (Indoors)

3.Sale by retail of alcohol (For consumption both on and off the premises)

Further details:

(Any playing of recorded music) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified.

The times the licence authorises the carrying out of licensable activities

Live Music / Recorded Music

Sunday – Thursday - from 10:00 until 23:30

Friday – Saturday from 10:00 until 00:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 00:30**

Recorded Music Only

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Late Night Refreshment

Sunday – Thursday - from 23:00 until 00:00

Friday – Saturday from 23:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
23:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

Supply/Sale of Alcohol

Sunday - Thursday - from 10:00 until 00:00

Friday – Saturday from 10:00 until 01:00

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:00**

New Years Eve: 10:00 till 1 hour before New years Day Opening hour.

The opening hours of the premises

Sunday – Thursday - from 10:00 until 00:30

Friday – Saturday from 10:00 until 01:30

**Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day
10:00 - 01:30**

**When the clocks move forward at British Summertime, the terminal hour
will adjust accordingly**

Name, (registered) address of holder of premises licence

**Marston's PLC
Marston's House
Brewery Road
Wolverhampton
WV1 4JT**

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

For consumption on and off the premises

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

Keith Swingler

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

Restricted

Licensing Objectives:

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Children under the age of 16 shall not be permitted to enter the premises after 21:00

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

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

Local Authority Rep – Brewery Inn, Ledbury 10.09.2020

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to a premise licence in respect of 'Brewery Inn, Ledbury'.

Having looked at the current licence it is clear that it is not fit for purpose as the licence contains a number of conditions which are not clear or precise and unenforceable.

The authority therefore looks to the applicant to agree to remove all the non-mandatory conditions and replace them with those shown below:

Prevention of Crime & Disorder

1. No customers carrying open bottles upon entry, shall be admitted to the premises at any times when the premises are open to the public.
2. Where CCTV installed. It will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
Cameras shall encompass all ingress and egress to the premises.
A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.
Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.
3. No open containers will be removed from the premises

Public Safety

Capacity limits

4. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises
5. First aid
A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves

Local Authority Rep – Brewery Inn, Ledbury 10.09.2020

Prevention of Public Nuisance

6. 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.
7. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
8. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
9. All external windows at the front of the premises to be closed after 2300 if live or recorded music is being played.
10. The outside area shall not be used for the consumption of alcohol or licensable activities after 23:30hours.

Protection of Children from Harm

11. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
12. Children under the age of 16 shall not be permitted to enter the premises after 21:00
13. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

If the applicant agrees to the above conditions being put onto the premises licence, the Licensing Authority will withdraw their objection

Fred Spriggs

**Principal Licensing Officer
Herefordshire Council**



From: Trading Standards
Sent: 28 August 2020 14:51
To: 'probson@john-gaunt.co.uk' <probson@john-gaunt.co.uk>
Subject: Brewery Inn variation of licence

Dear Mr Robson,

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

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

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

- **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 of 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.**
- **A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**

Can I ask you to e-mail your agreement or otherwise in relation to these conditions. Many thanks.

Kind regards

Principal Trading Standards Officer

Herefordshire Council

