

Agenda

Licensing Sub-Committee

Date: **Tuesday 26 March 2024**

Time: **10.00 am**

Place: **Online Meeting/Conference Room 1, Herefordshire
Council Offices, Plough Lane, Hereford, HR4 0LE**

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 Matthew Evans on 01432383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing Sub-Committee

Membership

Councillor Polly Andrews (Chairperson)

Councillor Clare Davies

Councillor Dave Davies

Agenda

	Pages
PUBLIC INFORMATION	
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 interest in respect of items on the agenda.	
4. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF WYE LOUNGE, 39 HIGH STREET, ROSS-ON-WYE, HR9 5HD – LICENSING ACT 2003	11 - 56
To consider an application for a grant of a premises licence in respect of Wye Lounge, 39 High Street, Ross-on-Wye, HR9 5HD under the Licensing Act 2003.	

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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 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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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.



Application for a grant of a premises licence in respect of Wye Lounge, 39 High Street, Ross-on-Wye, HR9 5HD – Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Tuesday 26 March 2024 at 10:00am

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards Affected

Ross West

Purpose

To consider an application for a grant of a premises licence in respect of Wye Lounge, 39 High Street, Ross-on-Wye, HR9 5HD under the Licensing Act 2003.

Recommendation(s)

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:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

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

Key considerations

Licence Application

2. The application for the grant of a premises licence has received relevant representations and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states “All representation must be ‘relevant’, for example they must be about the likely effect of the grant of the application”. This followed paragraph 8.57 in the s182 Guidance which uses the same wording.
4. The details of the application are:

Applicant	Mr Baftjar Zhuzhi	
Agent	The Licensing Guys	
Type of application: Grant	Date received: 2 February 2024 28 day consultation started: 3 February 2024	28 Days consultation ended: 1 March 2024

Summary of Application

5. The application can be found at appendix 1 and requests the grant of a premises licence to allow the following licensable activities, during the hours shown;

Live Music (Indoors)

Monday-Thursday 19:00-23:00, Friday – Saturday 19:00 – 02:00, Sunday 14:00 – 22:00

Recorded Music (Indoors)

Sunday-Thursday 09:00-24:00, Friday – Saturday 09:00 – 02:00

Late Night Refreshment (Indoors)

Sunday -Thursday 23:00-24:00, Friday – Saturday 23:00 – 02:00

Sale/Supply of Alcohol (consumption on the premises)

Sunday -Thursday 11:00-23:30, Friday – Saturday 11:00-01:30

Non-Standard Timings

Friday & Saturday hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday

Under the Live Music Act 2012 (as amended), an alcohol licenced premises can have live and/or recorded music from 08:00 – 23:00 for up to 500 people, without the need for these activities to be on a premises licence

A set of conditions offered by the applicant to promote the licensing objectives can be found at Appendix 2

Summary of Representations

6. One (1) representation has been received from the responsible authorities - Trading Standards. The set of conditions proposed have been accepted by the applicant and can be found at Appendix 3.
7. Three (3) relevant representations have been received from members of the public in line with the licensing objective Prevention of Public Nuisance, which the licensing authority have accepted as being relevant. These can be found at Appendix 4

History

8. The premises was first licenced in March 2017 under the premises name Tapas Restaurant & Bar.
9. In May 2022, the Licensing Department received transfer and vary DPS applications along with a change of premises name. The licence was granted in June 2022 in the name of Oliva Ltd and the premises was licenced as Leonards at 39.

10. In July 2022, an application was received to vary the premises licence to extend the terminal hour on Fridays and Saturdays until 02:00hrs for the purposes of alcohol sales, late night refreshment and live & recorded music. The variation was granted in August 2022.
 11. On 16 November 2023, the licensing authority attended the premises (now known locally as Tweet Bar), as part of a MATES (Multi Agency Targeted Enforcement Strategy) operation, involving the Home Office Immigration Enforcement team, West Mercia Police, Herefordshire Council Housing and Hereford & Worcester Fire Authority. The premises was open for licensable activities at the time and one male was arrested for immigration offences and then collected by immigration the following day.
 12. It became apparent after discussion with the manager that the premises licence holder Oliva Ltd had dissolved in April 2023. The law states that the death or insolvency of the premises licence holder has the effect of lapsing the premises licence with immediate effect. Unless action is taken to protect the premises licence within 28 days, the only way of dealing with the matter is by way of an application for a brand new premises licence.
 13. As the director of the company (Oliva Ltd) had not informed the licensing authority that the limited company had dissolved, nor had the licensing authority received a transfer application, the premises was carrying out licensable activities without an authorisation in place.
 14. On 16 November 2023, as a result of the premises undertaking licensable activities without an authorisation in place, the Licensing Authority served a Section 19 Closure Notice on the premises under the Criminal Justice and Police Act 2001. This enables a police constable or a local authority to serve a closure notice where:
 - any premises are being used, or have been used within the last 24 hours, for the sale of alcohol for consumption on or in the vicinity of the premises; and
 - This activity is or was carried on without an authorisation (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of an authorisation for the sale of alcohol.
- The Licensing Authority then explained that the premises cannot open for any licensable activity unless there is a premises licence or temporary event notices in place and gave advice on what they should do next. The manager confirmed he understood and that no licensable activity was to take place without a licence. This was followed up with an email – Appendix 6
15. On 20 November 2023, information was received from West Mercia Police, that the premises was open and selling alcohol, despite them being advised on 16 November 2023 and 17 November 2023 that this was not permitted and an employee of Herefordshire Council who's friends had been in the premises on the evening of 17 November 2023 produced till receipts clearly showing alcohol was purchased on that evening.
 16. Following an application made on 2 February 2024, the applicant's agent submitted four (4) Temporary Event Notices (TENs) to allow Sale/Supply of Alcohol (consumption on the premises) and for Late Night Refreshment on the following dates; 10 – 12 February 2024 (11:00 – 02:00),

13 – 18 February 2024, 20 – 25 February 2024 and 27 February to 3 March 2024 (Tuesday – Thursday 11:00 – 24:00, Friday – Saturday 11:00 – 02:00). As regulated entertainment was not applied for on the Temporary Event Notices, this was not permitted.

17. The applicant Mr Zhuzhi was not at the premises nor in charge of the premises when the MATES operation and unlicensable activity took place.

Community impact

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

Environmental Impact

19. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council.

Equality duty

20. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
21. There are no equality issues in relation to the content of this report.
 22. 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.
 23. 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.

Resource implications

24. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council.

Financial implications

25. There are unlikely to be any financial implications for the council as licensing authority at this time.

Legal implications

26. As relevant representations have been received, the sub committee 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 sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
27. 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.
28. 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.
29. 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: -
30. 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.
31. 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.
32. 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'.
33. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

34. Schedule 5, Part 1, Section 1 of the Licensing Act 2003 gives a right of appeal which states:

Rejection of applications relating to premises licences

(1) Where a licensing authority-

(a) Rejects an application for a premises licence under section 18,

The applicant may appeal against the decision.

Schedule 5, Part 1, Section 2 of the Licensing Act give a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

(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).

35. 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

36. 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

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

Appendices

- Appendix 1 – Application form
- Appendix 2 – Proposed conditions offered by the applicant
- Appendix 3 – Trading Standards agreed conditions
- Appendix 4 – Public representations
- Appendix 5 – Section 19 Closure Order
- Appendix 6 – Correspondence

Background papers

None Identified



**Application for a premises licence to be granted
under the Licensing Act 2003**

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

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

I/We Baftjar ZHUZHI

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Wye Lounge, 39 High Street,			
Post town	Ross-on-Wye	Postcode	HR9 5HD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as:
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) individual applicants (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname: ZHUZHI			First names: Baftjar		
Date of birth [REDACTED]		I am 18 years old or over		Please tick <input checked="" type="checkbox"/>	
Nationality		British			
Current residential address if different from premises address		[REDACTED]			
Post town	Bristol			Postcode	[REDACTED]
Daytime contact telephone number			[REDACTED]		
E-mail address (optional)		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	2	03 2024

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Restaurant

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

Not applicable

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Provision of regulated entertainment (please read guidance note 2)</p> <ul style="list-style-type: none"> a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) f) recorded music (if ticking yes, fill in box F) g) performances of dance (if ticking yes, fill in box G) h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <p>Please tick all that apply</p> <ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <p><u>Provision of late night refreshment</u> (if ticking yes, fill in box I)</p> | <p><input checked="" type="checkbox"/></p> |

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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon				Please give further details here (please read guidance note 4)		
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	19:00	23:00			
Tue	19:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	19:00	23:00			
Thur	19:00	23:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) <u>Non-Standard Timings</u> Fri & Sat hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday		
Fri	19:00	02:00			
Sat	19:00	02:00			
Sun	14:00	22:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	✓
				Outdoors	
Day	Start	Finish		Both	
Mon	09:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	09:00	00:00			
Wed	09:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	02:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) <u>Non-Standard Timings</u> Fri & Sat hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday		
Sat	09:00	02:00			
Sun	09:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) Non-Standard Timings Fri & Sat hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday		
Sat	23:00	02:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) <u>Non-Standard Timings</u> Fri & Sat hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday		
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	23:30			
Fri	11:00	01:30			
Sat	11:00	01:30			
Sun	11:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Baftjar ZHUZHI	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known)	SGC/18/1320
Issuing licensing authority (if known)	South Gloucestershire Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	00:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p><u>Non-Standard Timings</u> Fri & Sat hours also applied on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentine's Day, Bank Holidays and Sundays before a Bank Holiday Monday</p>
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	02:00	
Sat	09:00	02:00	
Sun	09:00	00:00	

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

a) General – all four licensing objectives

Staff Training

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. Refresher training will be conducted at 6 monthly intervals.

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

Pub Watch

The restaurant will join the HAND scheme (Pub Watch) while such a scheme or similar exists.

CCTV

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 and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand.

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

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

Incident Log

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

(a) all crimes (relevant to the licensing objectives) reported to the venue

- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service.

No open containers will be removed from the premises.

b) The prevention of crime and disorder

Refusal Log

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

Such records shall be kept for a period of 12 months and will reviewed on a regular 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.

c) Public safety

General

First aid

A HSE Compliant Industrial High Response First Aid Kit 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

An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]

Electrical & Gas Installations

All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>).

The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

d) The prevention of public nuisance

General

The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.

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

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

Windows at the premises shall be kept closed after 2300hrs.

All external doors shall be kept closed after 2300hrs except during immediate access and egress.

No waste such as bottles or refuse shall be placed outside the premises between 2300hrs and 08.00hrs.

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

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

e) The protection of children from harm

Age Verification Scheme – Challenge 25

A challenge 25 age verification scheme will operate at the premises whereby any person who appears to be under 25 years of age, and unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide identification to prove they are over 18 years of age.

Acceptable forms of identification will be a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.

Appropriate signage advertising the operation of the Challenge 25 scheme must be displayed in the vicinity of all points of sale for alcohol.

No Adult Entertainment

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).

Checklist:**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	X
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected.	X
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.

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

Part 4 – Signatures (please read guidance note 11)

Privacy Notice

The Licensing Service will store your personal data and share it with other agencies in accordance with Stroud District Council's privacy policy Please see the Council's website www.stroud.gov.uk/privacynotice . Section 1 to 10 is the Council's general privacy notice and section 15 gives details for the Licensing Service.

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	The Licensing Guys Ltd
Date	02/02/2024
Capacity	Licensing Consultant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
The Licensing Guys, Rural Enterprise Centre Vincent Carey Road Rotherwas Business Park			
Post town	HEREFORD	Postcode	HR2 6FE
Telephone number (if any)	07890 105387		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licensing@thelicensingguys.com			



Consent of Individual to being specified as Premises Supervisor

I, Baftjar ZHUZHI

[full name of prospective premises supervisor]

Of

[home address of prospective premises supervisor]

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

Grant of Premises Licence

[type of application]

by Baftjar ZHUZHI

[name of applicant]

relating to a premises licence 'Applied for'
[number of existing licence, if any]

Wye Lounge, 39 High Street, Ross-on-WYE, HR9 5HD

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

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

Baftjar ZHUZHI

[name of applicant]

concerning the supply of alcohol at

Wye Lounge, 39 High Street, Ross-on-WYE, HR9 5HD

[name and address of premises to which application relates]

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

Personal licence number

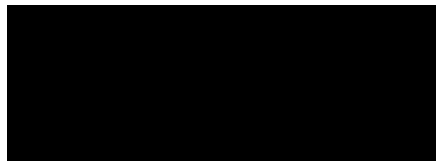
SGC/18/1320

[insert personal licence number, if any]

Personal Licence Issuing Authority

South Gloucestershire Council

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



Signed

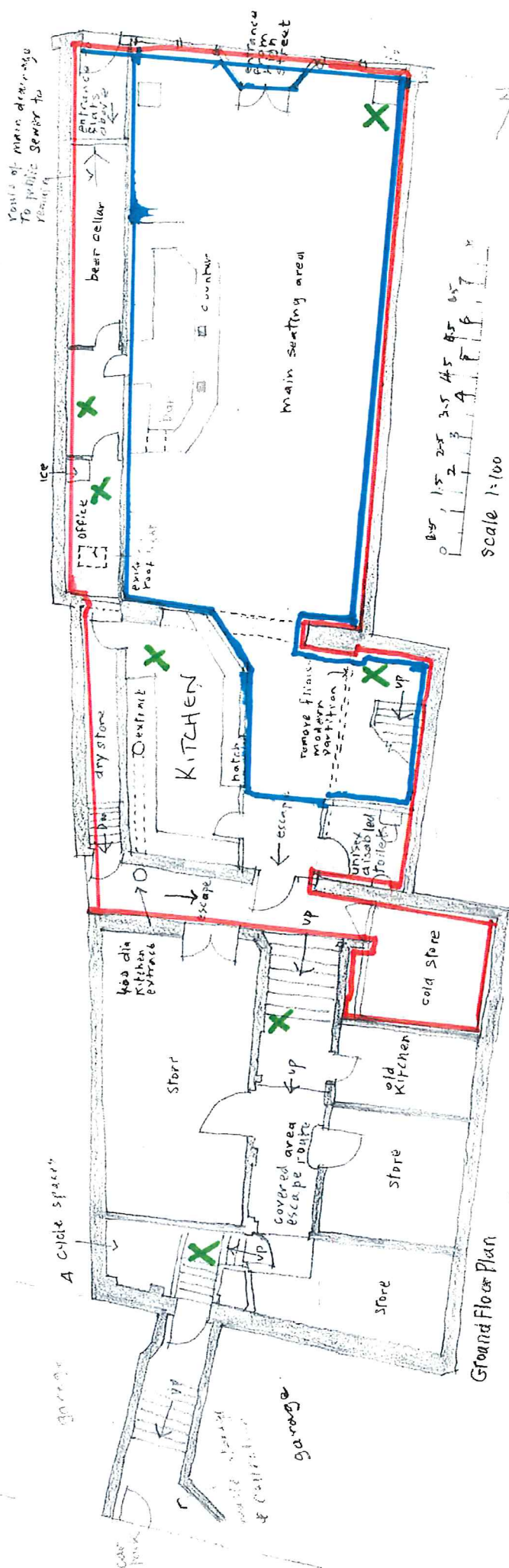
[Bhaftjar Zhuzhi \(Feb 2, 2024 12:23 GMT\)](#)

Name (please print)

Baftjar ZHUZHI

Date

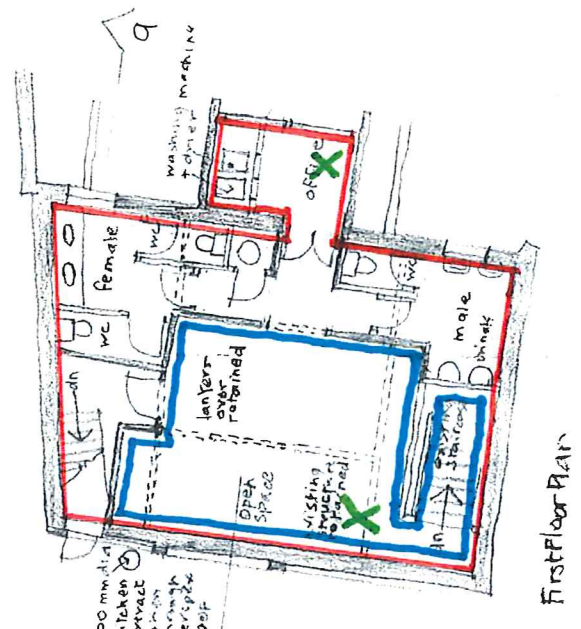
02 February 2024



- X LOCATION OF FIRE SAFETY EQUIPMENT
- SALE/CONSUMPTION OF ALCOHOL
- LICENSABLE ACTIVITIES

"NUMBER 30"

39 High Street Ross-on-Wye HR9 5HD
 Proposed Cocktail Bar & Tapas Lounge as Proposed
 for Mr Darren Leonard
 Scale 1:100 February 2017 DWG DL6 (A3)



- FIRE EQUIPMENT LIST**
- 5 x 6lt FOAM EXTINGUISHERS
 - 5 x 2kg CO2 EXTINGUISHERS
 - 1 x 6lt WET CHEMICAL EXTINGUISHER
 - 1 x 1.8m FIRE BLANKET

Conditions offered by the applicant

Staff Training

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. Refresher training will be conducted at 6 monthly intervals.

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

Pub Watch

The restaurant will join the HAND scheme (Pub Watch) while such a scheme or similar exists.

CCTV

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 and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand.

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

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

Incident Log

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service.

No open containers will be removed from the premises

Refusal Log

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

Such records shall be kept for a period of 12 months and will be reviewed on a regular 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.

First aid

A HSE Compliant Industrial High Response First Aid Kit 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

An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]

Electrical & Gas Installations

All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>).

The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Noise

The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.

Noise or vibration shall not emanate from the premises so as to cause a nuisance. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

Windows at the premises shall be kept closed after 2300hrs.

All external doors shall be kept closed after 2300hrs except during immediate access and egress.

No waste such as bottles or refuse shall be placed outside the premises between 2300hrs and 08.00hrs.

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

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

Age Verification Scheme – Challenge 25

A challenge 25 age verification scheme will operate at the premises whereby any person who appears to be under 25 years of age, and unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide identification to prove they are over 18 years of age.

Acceptable forms of identification will be a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.

Appropriate signage advertising the operation of the Challenge 25 scheme must be displayed in the vicinity of all points of sale for alcohol.

No Adult Entertainment

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).

Trading Standards Conditions Accepted

Prevention of Crime and Disorder

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB Level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an "authorised person" (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Protection of Children from Harm

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

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

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

From: XXXXXXXX
Sent: 27 February 2024 15:12
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Tweet bar concerns

Dear Sir/Madam

Im writing this complaint to bring to your attention the recent disturbance and absolute reckless behaviour from Tweets bar and kitchen Ross-on-wye I am a paramedic so am required to do certain shift patterns for a 12 hour shift so require sufficient rest and to recuperate.

The noise and behaviour which occurred for the 3 Saturday nights. The music has been blasting past 2am. When customers do exit the premises fights and reckless behaviour seem to breakout as I have said I need my rest due to my job role but unfortunately haven't been able to. This is now effecting my mental health and my ability to focus when on shift and I fear if this sort of behaviour is going to continue I will end up having to go on sick leave or resign from my current position or seek different accommodation which would have further effects on my mental health.

I would be appreciate if you could discuss my concerns of the premises.

I look forward to getting this matter resolved.

Yours sincerely

From: Licensing <licensing@herefordshire.gov.uk>
Sent: 27 February 2024 15:54
Subject: Tweet Bar -Ross-on-Wye

Good afternoon

Thank you for sending your comments through regarding the above.

Before I can address them, please could you confirm the following?

- Are you writing in about Tweet Bar or the newly named premises Wye Lounge (formerly Tweet) which is at the same address?

- Are you making representation/objection to the application in consultation period?

Once I am in receipt of your response, I am able to advise further

Many thanks

Licensing Team
Economy and Environment Directorate
Tel: 01432 261761
Plough Lane, Hereford. HR4 0LE

From: XXXXXX
Sent: 27 February 2024 16:48
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Re: Tweet Bar -Ross-on-Wye

Good afternoon,

Thankyou for your reply ,

I am indeed referring to Wye lounge

And would like to object the application within the consultation period .

I look forward to your response.

Yours sincerely

From: XXXXXXX
Sent: 27 February 2024 09:10
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Tweet bar Ross on Wye

I live approximately 250 yards behind the Tweet bar, along Church Street. I have been a customer in Tweet bar, formerly Leonard's on several occasions and early on in the evening, it is a pleasurable experience. However, the late night opening over the last couple of weeks or so have caused me considerable distress

I have 2 children under the age of 8, and they have been woken at late times of the night with loud music, and youths outside in the street with their alcohol shouting, screaming, even fighting. I have video evidence of this. They congregate outside the front door. Many look underage and I feel there is no leadership at the cocktail bar to monitor the ages of customers.

The first disruptive night was 16th February. We were awoken at around 12 midnight. The volume of the music was ridiculous, and causing vibrations. And this continued until almost 2am. When it closed the music went off and we were further disrupted until almost 3am by the house of fighting and shouting and screaming causing my children distress. A very similar experience was also suffered on the 24th February.

I have no objections to Tweet having a profitable business, but I really think that they should be able to only open until 11 or 11.30 as they can clearly not control the clientele. The late night opening that we as a community are experiencing is making our lives a misery.

Thank you for your time.

From: Licensing <licensing@herefordshire.gov.uk>
Sent: 27 February 2024 15:54
Subject: Tweet Bar -Ross-on-Wye

Good afternoon

Thank you for sending your comments through regarding the above.

Before I can address them, please could you confirm the following?

- Are you writing in about Tweet Bar or the newly named premises Wye Lounge (formerly Tweet) which is at the same address?

- Are you making representation/objection to the application in consultation period?

Once I am in receipt of your response, I am able to advise further

Many thanks

Licensing Team
Economy and Environment Directorate
Tel: 01432 261761
Plough Lane, Hereford. HR4 0LE

From: XXXXXXXXX
Sent: 27 February 2024 16:23
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Re: Tweet Bar -Ross-on-Wye

Thank you for replying to me

The building is still addressed as Tweet bar but I did see a poster with the name change so yes the new business name I think.

Either way yes please I would like to object within the given period.

Yours sincerely

From: XXXXXXXXXX
Sent: 27 February 2024 14:43
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Complaint Tweet bar and kitchen , ross on wye

To whom ever it may concern

I wish to make you aware that noise and disturbance from Tweets bar and kitchen is disturbing my family to such an extent that it is affecting the enjoyment of our home and effecting the sleep of my children

Specifically the noise and incident which occurred Saturday 24/02/2024 around 1.30am. Loud music could be heard from the premises throughout the night and on closing a disturbance broke out where several customers were fighting.

In view of this, I would be grateful if you could review the premises and license conditions , I understand that the premises is newly reopened and have never had a problem previously with noise or disturbance since I have lived at my property but if this is going to be a ongoing problem I will unfortunately have to seek new accommodation which will have a detrimental impact on me and my family.

I would prefer to see whether we could reach an amicable solution, however, if this is not possible I will have no alternative but to pursue more formal action.

I look forward to your co-operation in this matter.

Yours sincerely

From: Licensing <licensing@herefordshire.gov.uk>
Sent: 27 February 2024 15:54
Subject: Tweet Bar -Ross-on-Wye

Good afternoon

Thank you for sending your comments through regarding the above.

Before I can address them, please could you confirm the following?

- Are you writing in about Tweet Bar or the newly named premises Wye Lounge (formerly Tweet) which is at the same address?

- Are you making representation/objection to the application in consultation period?

Once I am in receipt of your response, I am able to advise further

Many thanks

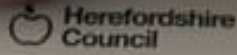
Licensing Team
Economy and Environment Directorate
Tel: 01432 261761
Plough Lane, Hereford. HR4 0LE

From: XXXXXXXX
Sent: 27 February 2024 17:42
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Re: Tweet Bar -Ross-on-Wye

Hi,

I'm sorry If I got name wrong yes I can confirm I mean the wye lounge and I am objecting the application in the consultation period.

Yours sincerely

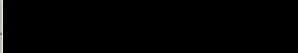


**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice: 16th November 2023

Local Authority: Herefordshire Council

Person making the Notice:

Signature 

Name and Address of affected premises: -
Leonards @39 (T/A Tweet Bar)
39 High Street
Ross on Wye
HR9 5HD

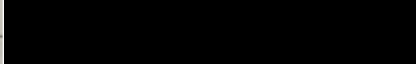
Alleged unlicensed use of Premises:

Sale by retail of alcohol

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Cease the sale of all licensable activities and apply for either a premises licence or a temporary event notice

The person on whom the closure notice has been served

Name 

Date 16th November 2023

Explanatory Notes:

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A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a licence to sell alcohol in contravention of sections 136 of the Licensing Act 2003 by breaching a condition attached to the licence. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

Section 19 of the 2001 Act - Closure Notice

Where a police officer, or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used, for the unlicensed sale of alcohol, including being in breach of its licence conditions, they may serve under subsection (3) a notice in respect of the premises.

Section 20 of the 2001 Act - Closure Order

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unauthorised sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

Appeals - Section 24 of the 2001 Act

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 25 of the 2001 Act.

It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £20,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

From: Licensing
Sent: 17 November 2023 08:42
To: [REDACTED]
Cc: Police Licensing <licensing.herefordshire@westmercia.pnn.police.uk>
Subject: Licensing Visit 16.11.2023 - Tweet Bar

Good morning

Following the visit to your premises last night, it was witnessed and confirmed you were selling alcohol without the correct authorisation.
The premises licence lapsed in April 2023 when Oliva Ltd was dissolved.

The law states that the death or insolvency of the premises licence holder has the effect of lapsing the premises licence with immediate effect.
Insolvency can come about by way of bankruptcy, IVA, CVA, dissolution of a company or winding up of a company.

Unless action is taken to protect the premises licence within 28 days, the only way of dealing with the matter is by way of an application for a brand new premises licence.

It is an offence to carry on a licensable activity other than in accordance with a temporary event notice or a premises licence.
This offence carries a maximum penalty on summary conviction of an unlimited fine and or 6 months imprisonment.

I will forward details on how to apply for Temporary Event Notices and a Premises Grant in new emails

Herefordshire.gov.uk

Licensing Team
Economy and Environment Directorate
Tel: 01432 261761
Plough Lane, Hereford. HR4 0LE

Please note: Licensing operate an up to 10 working day response to all calls/emails

 Please consider the environment - Do you really need to print this e-mail?

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