

Supplement to the agenda for

Licensing sub-committee

Wednesday 16 June 2021

10.00 am

Online meeting

	Pages
4. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF THE LEDBERRY LTD, 36 THE HOMEND, LEDBURY. HR8 1AE - LICENSING ACT 2003	3 - 16

[REDACTED]
The Ledberry Limited
36 The Homend
Ledbury
HR8 1BT

To whom it may concern,

I am writing with regards to the representations made to the Licensing Authority with regards to my premises license application for the sale of alcohol at 36 The Homend, Ledbury, by [REDACTED]. I understand why, on receiving these representations the Council may have deemed these representations as 'relevant' [REDACTED] but I would like to provide some more detail to support my application and rebut the points raised within these representations which should be taken into account by the sub committee.

It is worth explaining the concept of my business from the outset - The Ledberry is a retail store featuring an upmarket range of ladieswear, menswear, homewares, pantry and gifts. We will have an ancillary café offer for guests to enjoy coffee/tea/cakes/light refreshments and I would like to be able to offer a nice glass of wine/beer with this. Within our pantry section which will feature local suppliers and interesting foodstuffs and beverages, I require the license to sell some nice wines and start-up challenger brands. I am trying to bring an interesting and innovative concept to Ledbury - not open a pub. The sale of alcohol will simply add an additional element to the offer - meaning people may make more of a destination trip to come and shop with us if they know they can come with friends and enjoy some lunch and a glass of wine alongside.

[REDACTED]

[REDACTED]

(1) Representation [REDACTED] on the grounds of Public Nuisance:

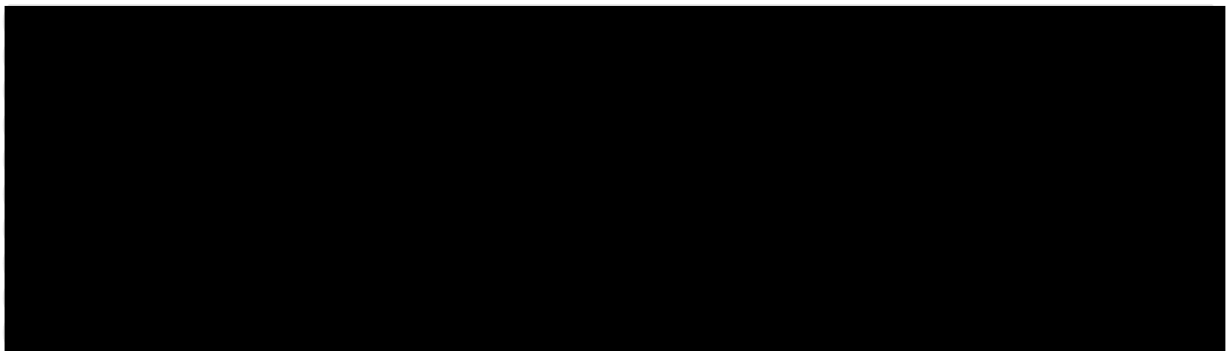
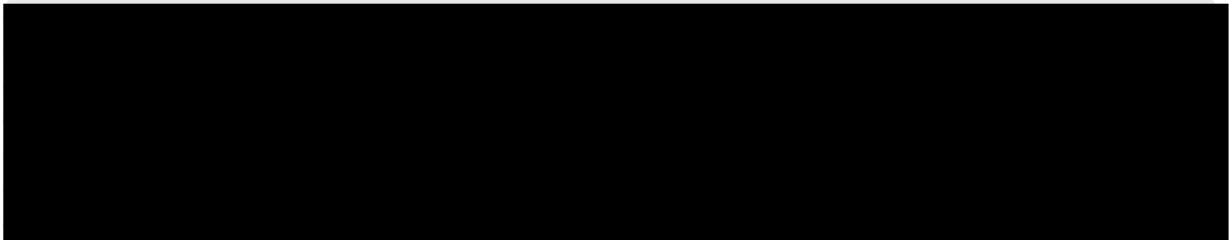
'I believe the beer/wine garden she is building will cause noise nuisance to us residents - myself, my wife and son'.

I would like to clearly point out that this garden is part of the commercial premises, which I have taken on in my lease. The property has been vacant for almost 3 years, and as such the garden was hugely overgrown and falling (/had already fallen) into disrepair (see attached). The valuation this property as a commercial premises includes the demise and use of the garden. I have cleared the space at significant expense and intend to provide a quiet provencal style garden for guests to enjoy teas/coffees/cakes/light lunches and have the opportunity to have a glass of wine or beer alongside, should they wish. It is by no means 'a beer garden' as [REDACTED] suggested - this phrase just suits the narrative he is adopting. This garden is an ancillary offer to the main retail store which features a selection of upmarket ladieswear, menswear, home, pantry and gifting elements. My

intention is to have alcohol on the menu as an offer to make our store a real destination for people to dwell and spend a few hours - I am not a pub and have no intention of being perceived as this. The concept is more a few ladies having lunch and a glass of champagne, not swathes of people drinking pints and being rowdy. There are very few spaces like this in Ledbury centre and in a post covid environment, the more enjoyable outdoor areas we have for tourists/locals to come and relax, the better. The feedback from guests who have enjoyed the space so far has been really brilliant.

'Our rooftop garden overlooks this proposed beer/wine garden as do our property's only side facing windows (four of them) and door. This will cause intrusion to our residential privacy.'

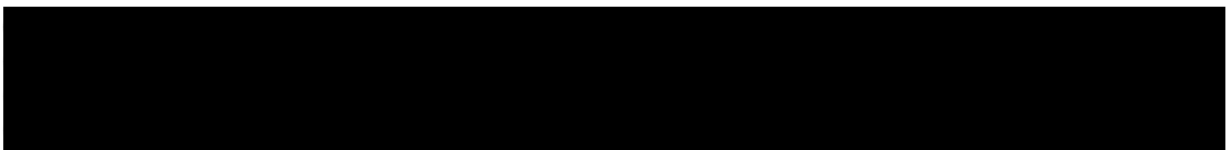
Once again, I rebut being referred to as a beer garden as noted above.



'We have already experienced two evenings when [REDACTED] and her friends and family have used this space playing music, eating, drinking and speaking in raised voices even though it is not open yet.'

It is very interesting that no other neighbours [REDACTED] have complained about these supposed 'noisy' evenings and nor did he say anything at the time? We are situated on the main high street of Ledbury and as such anyone choosing to live on a high street must accept some degree of activity. I do not see how this complaint (which is grossly exaggerated for the effect of this objection) has any relevance to the intention to sell alcohol at the premises. We have had a huge positive reception from our neighbours on the other side of the garden, who are excited to see the garden looking so good, and have shared in the excitement of it coming together.

'I see in [REDACTED] application that she states to close by 10pm. She had already told me that she would be closing by 7pm. I cannot believe what her intentions are and already feel deceived by her.'



I have stated 10pm on my license so that if I host an evening event - fashion shopping evenings, talks and demonstrations etc, I will still be covered by the license. We are not

intending to stay open until 10pm daily. As I stated before, this venue is a retail destination and one must come through the shop to get to the back garden. As such, If I were to stay open until 10pm I would have to pay for staff to man the shop for security - which is not financially viable. Therefore the 10pm on the application is just to make sure I have flexibility for hosting special events and occasions, not an intention to operate until 10pm daily.

'Having this beer/wine garden so close to our property will also create a negative valuation to our property. Who would want to live next door to that? If we were to leave because of this intrusion, who would want to live there?'

Once again, please note this is not a beer garden, but an ancillary café to our retail shop, which will have the capability to serve alcohol. I also require the license to sell nice bottles of wine and interesting brands in our pantry section of the store so this is not just about serving alcohol to consume on the premises but is also a retail gifting proposition.

The property on the other neighbouring side of our garden is the same set up - commercial ground floor and residential upstairs and this property is currently on the Market with no negative impact on valuation. Once again, how this is linked to the license application is extremely tenuous.

'I have a further concern regarding the use of CCTV at these premises and whether or not this will have an effect on our privacy. This concern for privacy also extends to us being filmed by her or her customers with their phone cameras, as we go about our domestic duties, such as gardening. The prospect is intimidating and stressful.'

All commercial premises require a proper CCTV system for security and to make sure all of my insurances are valid. As the council will know, West Mercia Police have also requested as part of my application, a specific CCTV system for maximum security, which I have worked with to comply with. The CCTV will secure my property and will not have any interest in looking into his residential premises, not can it legally. I would require this system regardless of alcohol license. I am happy to provide screen grabs of the outdoor cctv system which clearly only monitor my garden and go no way into intruding his space.

██████████
██████████ Me having a CCTV system in place is nothing to do with the license application - I require this for my business, regardless of the sale of alcohol.

With regards to guests filming him with their phones - this is an absurd remark and totally irrelevant to this application once again. ██████████

██████████
‘Finally, it appears that ██████████ does not want her neighbours and other Ledbury residents to know of her intentions regarding this application as she has posted the application in a top window pane of the property which can hardly be seen, let alone read. She could have more reasonably put it in a lower window. This is a clear and unnecessary case of obfuscation.’

██████████ I have fully complied with all of the requirements to advertise the license - the notice has clearly been displayed in the ground floor window of the property for the full consultation period and has been advertised in the Worcester News publication. My office is situated looking through the window where the notice is displayed and I see people daily taking an interest in reading it, so his claim is completely false. Photographic evidence of the display is sent to Licensing as required.

(2) Representation by ██████████ regarding noise on one evening in April

I do find this representation to be irrelevant to the sale of alcohol at 36 The Homend. The afternoon referred to by ██████████ I can assume was one of the rare sunny days we have had this spring where I kindly had several friends and family who came to the property to help with painting and prepping of the garden - making hay whilst the sun shines, so to speak! This was a personal get together of friends helping friends, not a representation of the commercial business which is now open. Our space is a quiet and relaxing atmosphere emulating the mediterranean with wonderful continental planting by Leaf Creative to enhance this relaxing atmosphere.

It is worth noting on this day in question before opening, there was a workman’s ██████████ radio playing which is a loud piece of equipment - designed to play whilst workmen are carrying out their jobs with loud tools being in use etc - pop music and lively radio stations. This piece of kit and music choice would not be used once our garden café is open.

There will be chatter in the garden whether or not I have an alcohol license, so this representation feels like it has been thrown in ██████████ for the sake of it. As I mentioned before, this property is a commercial property based on Ledbury high street and as such it should be used to its full potential (and my rental levels are valued on the basis of being able to utilise this space) to avoid it being vacant for another extended period and falling into disrepair.

All of the premises in Ledbury and particularly on the high street who have alcohol licenses are flanked by residential properties, it is par for the course to have some noise in such a location.

There is a huge difference between general hubbub/chatter and a jolly ambience Vs ‘public nuisance’. Public nuisance is the last thing I want to cause and the positioning of The Ledberry store is an elevated offer with an upmarket clientele. Our store and garden café will be a sophisticated venue.

I am fully in support of all of the licensing objectives and intend to fully comply with them all.



The Ledberry - Provencal Garden Cafe - Before & After



theledberry
The Ledberry

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BEFORE....SWIPE!!

1/2



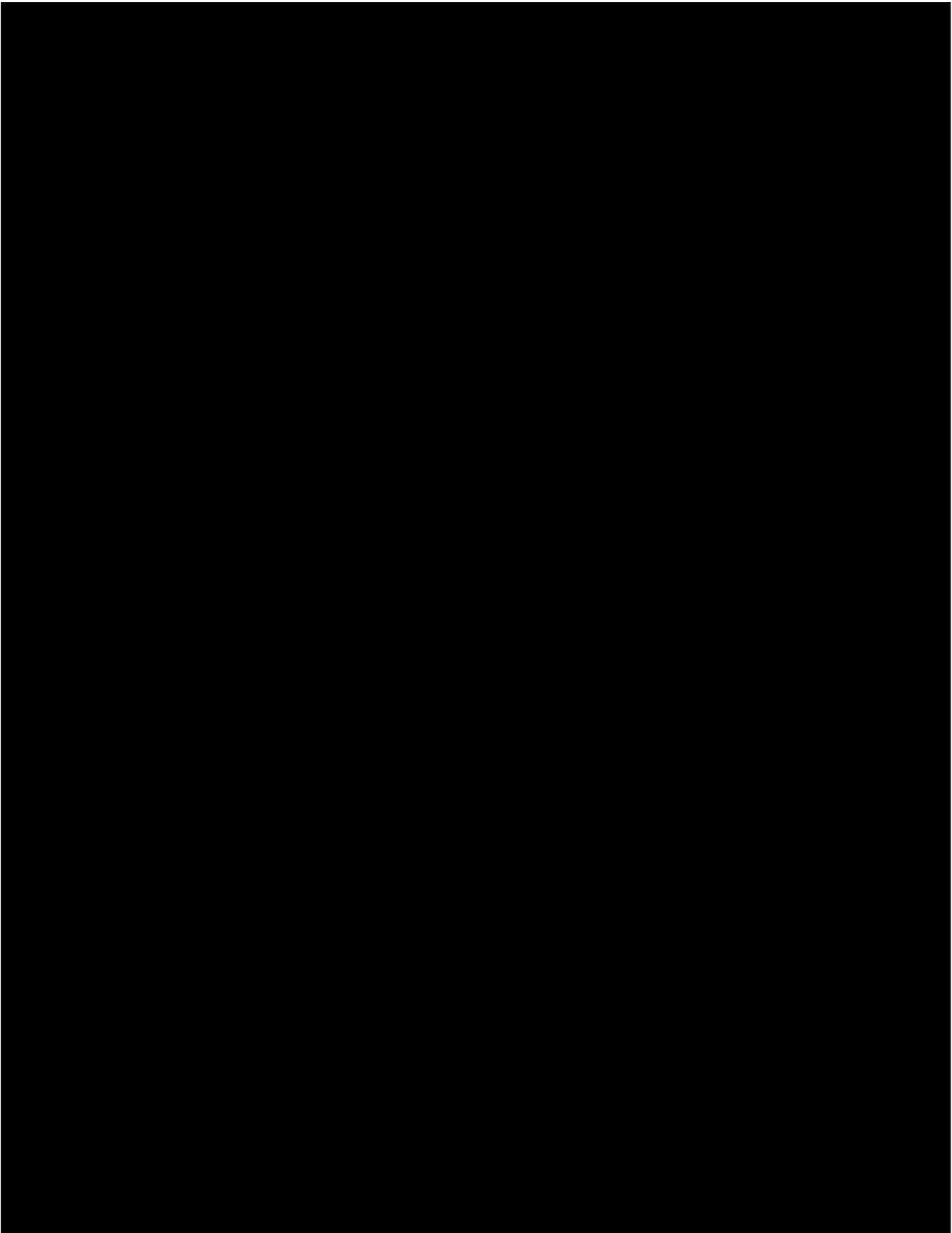
APRIL 2021

APRIL 2021

BEFORE.....SWIPE!!



Mr Eager's 'Rooftop Garden' - NB air conditioning unit, air vents, risers, no safety barrier as would be required for a leisure space.



Other Pictures of The Ledberry Store - Retail & Lifestyle Store

Feedback from local residents who remembered this space as The Shell Art Gallery have all been hugely complimentary and are now enjoying coming to experience the space in its new form after a long period of vacancy. We have also created several full time and part time positions, employing 6 local staff currently, and we will look to add to this going forwards.









