

AGENDA

Regulatory Sub Committee

Date: **Monday 20 July 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor JHR Goodwin
Councillor JW Hope MBE
Councillor A Seldon

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

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1. ELECTION OF CHAIRMAN	
To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
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YOU HAVE A RIGHT TO: -

- 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.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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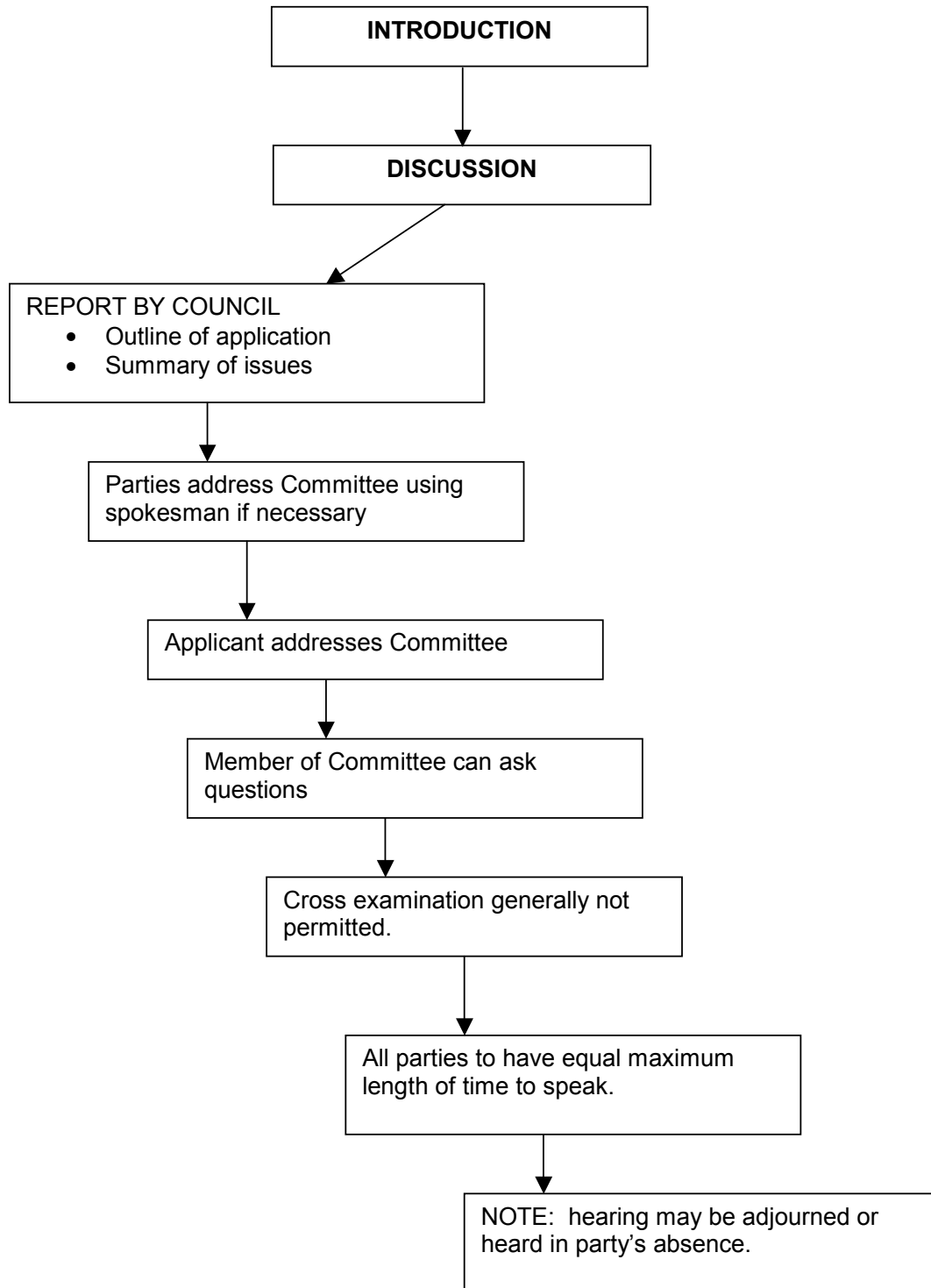
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 JULY 2009
TITLE OF REPORT:	REVIEW OF PREMISES LICENCE: THE RETREAT, 7 HIGH STREET, LEDBURY – LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for a review of the premises licence relating to 'The Retreat, 7 High Street, Ledbury, HR8 1DS called by Mr Alan John Cowan, The Long House, Old Tannery Yard, Church Lane, Ledbury, HR8 1DW.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 necessary 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 Licensing Policy.

Key Points Summary

- Review called by 13 local residents.
- Three representations against the review from interested parties.
- No representations received from responsible authorities.

Options

1 Take no action or

Take any of the following steps: -

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Mr Alan John Cowan The Long House, Old Tannery Yard, Church Lane, Ledbury. HR8 1DW.	
Premise Licence Holder	Mrs Julie Elizabeth Force 32 Silurian Close, Leominster, HR6 8SU	
Solicitor	Poppleston Allen, Nottingham	
Type of application: Review	Date received: 28/05/09	28 Days consultation 25/06/09

4 Current Licence

The current licence authorises the following licensable activities (indoors only) during the hours shown: -

An exhibition of a film; An indoor sporting event: Sunday-Saturday; 08:00 - 00:00

A performance of live music; Sunday-Wednesday: 11:00 - 23:00 & Thursday-Saturday: 11:00 - 23:30

Other entertainment; Making music; dancing: Sunday-Wednesday: 11:00 - 23:00 & Thursday-Saturday: 11:00 - 23:30

Any playing of recorded music: Sunday-Saturday: 08:00 - 23:55

A performance of dance: Sunday-Saturday, Sunday: 11:00 - 23:00

Provision of late night refreshment: Sunday-Saturday: 23:00 - 00:30

Sale by retail of alcohol: Sunday-Saturday: 10:00 - 00:00

New Years Eve 10:00 - 00:00 New Years Day

Non Standard Timings:

An exhibition of a film; An indoor sporting event; Other entertainment; Making music; Dancing;

Any playing of recorded music; Provision of late night refreshment:

10:00 - 00:00 on Monday on bank holiday weekends & Christmas Eve & Boxing Day.

Sale by retail of alcohol

New Years Eve 10:00 - 00:00 New Years Day

The opening hours of the premises

Monday-Saturday, Sunday: 08:00 - 00:30

5 **Summary of Application**

The application for review relates to the following licensing objectives: -

- Prevention of Public Nuisance.

6 **The grounds for the review are: -**

'Public Nuisance of excessive noise in a residential area from use of an external garden for long periods each day and late into the evening and use of the premises for performances of live bands'.

7 **The information provided to support this application is: -**

Full details in support of this information have been provided by the applicant by the way of four sheets. Full details of this can be found at the rear of the application form contained within the background papers.

8 **Summary of Representations**

Copies of the representations and suggested conditions can be found within the background papers.

9 **Responsible Authorities**

No representations have been received from any of the responsible authorities.

10 **Interested Parties**

The application for the review of the licence was signed by 12 other applicants (details are shown at the rear of the application form).

One representation was received in support of the review, but this was submitted by one of the 12 applicants for the review.

The Licensing Authority received 3 representations against the review and in support of the premises.

There were a number of representations received which were either from people who did not reside within the vicinity or were received outside the period of representation.

Key Considerations

- 11 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

Guidance issued under Section 182 of the Licensing Act 2003 in respect of Reviews states at paragraph: -

- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims.

The attention of the Committee is drawn to the stated 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: -

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

No recent complaints have been received by Herefordshire Council's Environmental Health (Pollution) Team.

Community Impact

- 12 It is felt that any decision made will have a minimal impact on the Community.

Legal Implications

- 13 Schedule 5 Section 8(2) gives a right of appeal to: -
- a) the applicant for the review,
 - b) the holder of the premises licence, or
 - c) any person who made relevant representation in relation to the application.
- 14 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

- 15 Responsible authorities and persons living or with a business interest within the vicinity of the premises.
- 16 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 17 The notice of review was displayed on the premises prior to the start of the consultation period and was displayed for 28 days. In addition the notice was also displayed at the offices of the Licensing Unit at Bath Street, Hereford over the same period.

Appendices

- 18
 - 1. Application Form for Review
 - 2. Public Representations
 - 3. Email from Environmental Health

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES

REVIEWS

11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

11.22 'A number of reviews may arise in connection with crime that is not directly connected with licensable activities'. 'Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all'. 'Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them'.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

Section 52 (11) A determination under this section does not have effect—

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Licensing Authority's power to exercise substantive discretionary powers.

**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3)
The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I ALAN JOHN COWAN

(Insert name of applicant)

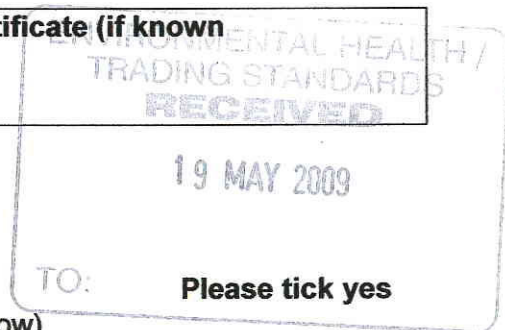
apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description THE RETREAT 7 HIGH STREET	
Post town LEDBURY	Post code (if known) HR8 1DS

Name of premises licence holder or club holding club premises certificate (if known) MRS JULIE ELIZABETH FORCE
--

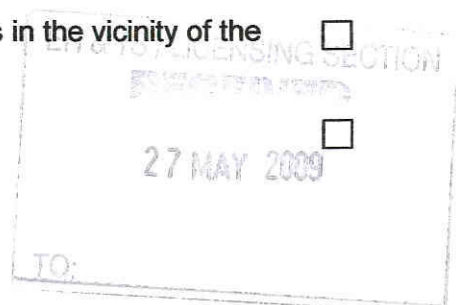
Number of premises licence or club premises certificate (if known) PR00465
--



Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)



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

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

Please tick

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

Surname

COWAN

First names

ALAN JOHN

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

THE LONG HOUSE
OLD TANNERY YARD
CHURCH LANE

Post town

LEDBURY

Post Code

HR8 1DW

Daytime contact telephone number

01531 635699

E-mail address (optional)

alancowan@ymail.com

(B) DETAILS OF OTHER APPLICANT

Name and address

SEE APPENDIX 2 TO THE ATTACHED ENCLOSURE

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address NOT APPLICABLE
Telephone number (if any)
E-mail address (optional)

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

PUBLIC NUISANCE OF EXCESSIVE NOISE IN A RESIDENTIAL AREA FROM USE OF AN EXTERNAL GARDEN FOR LONG PERIODS EACH DAY AND LATE INTO THE EVENING AND USE OF THE PREMISES FOR PERFORMANCES BY LIVE BANDS

Please provide as much information as possible to support the application
(please read guidance note 2)

SEE ENCLOSURE ATTACHED

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 15th May 2009

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) A J Cowan The Long House Old Tannery Yard Church Lane	
Post town Ledbury	Post Code HR8 1DW
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) alancowan@ymail.com	

Notes for Guidance

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

APPLICATION FOR A REVIEW OF A PREMISES LICENCE **“THE RETREAT”, 7 HIGH STREET, LEDBURY**

Introduction

I write as spokesman for a group of residents who live within a short distance of “The Retreat” public house and whose names and addresses are given in Appendix 2. We wish to apply for a review of the premises licence on the grounds of the prevention of public nuisance.

The nuisance has two separate causes:

- use of an external garden area for long periods each day and late into the evening
- use of the premises for performances by live bands.

Background

I have lived at my present address for over thirteen years and until the introduction of the smoking ban in public places, the garden area at “The Retreat” (or “The Bull” as it was for most of this period) was hardly ever used. In addition, although some live music evenings did take place, they were infrequent and if the noise became excessive, a phone call to the pub usually resolved the problem.

After the introduction of the smoking ban, the tenant at the time did start to allow the garden to be used by his customers. We came to an agreement, however, that the garden would not be used after 9.00 pm at night and that the external door from the pub would be locked at that time.

Following a change of tenant last year, the situation has become far worse. Many of the applicants for the review have approached the pub tenants about the problems but without any degree of satisfaction or any agreement to reduce the nuisance. Even if a phone call is made at 10.30 pm to complain about the noise level, either from the garden or from the live music, it is ignored. On the last occasion, when noise from the garden was unbearable at 4.00 pm on a Sunday afternoon, the tenants response was that nothing would be done about the noise as they were entitled to use the garden under the terms of their licence.. We therefore have no option but to apply for a review of that licence.

As the pub now opens for breakfast at 10.30 am, we can be subjected to noise over a period of 12 hours or more with the garden in continuous use until 11.00 pm at night.

Garden Noise

As noted above, the garden is open to the public from 10.30 am to 11.00 pm. If the noise from the garden were limited to the gentle murmur of conversation, it would not be too bad. But it often takes the form of loud laughter, shrieking and swearing which makes it difficult for any of the applicants for this review to sit out in their own gardens with any degree of comfort. In the summer, with our house windows open, it becomes as bad inside. This noise nuisance becomes worse towards the end of the evening, as people become more intoxicated, but can also be a problem in the afternoons at weekends and on bank holidays.

We have also been subjected to the throwing of objects out of the pub garden into the right of way alongside it and also into my garden on the other side of the right of way. The missiles have included slates from the pub garden rockery, cigarette ends and cigarette packets. On one occasion a few weeks ago, a glass bottle was thrown from the garden, hitting the roof of my house and smashing three tiles.

In addition to the noise itself from the garden, when in use at night it is brightly lit (see Appendix 1). This creates a different form of nuisance which is equally intolerable.

Live Music

Live music is now played twice a week, on Tuesday and Thursday, the latter being the worse problem because it almost always involves bands with loud amplification. Even with the pub windows shut, these bands can be heard hundreds of yards away. I have stood at the back of St Michaels churchyard and been able to hear the noise clearly. If the garden door is left open, or when someone opens it to go in or out, the noise level increases. On another recent Tuesday, the guitar player actually moved into the garden at 10.30 pm.

Although initially, the music was stopped at 11.00 pm, in the last few weeks it has often continued until 11.15 pm. This is unacceptable in a residential area as it is difficult or impossible to go to sleep until the noise has ended.

Conclusion

I have set out above the circumstances which the residents local to "The Retreat" believe should be considered in a review of the premises licence to prevent the nuisances outlined. We consider it unacceptable that such noise nuisance should be permitted in close proximity to our houses and that use of the garden and the playing of amplified music until late at night should be banned.

I would also like to refer to recent planning applications (DCNE2008/1492/F and DCNE2008/1493/L) for development to the rear of 12 High Street, just a short distance away. Local residents of The Priory were concerned about nuisance from an A3 restaurant forming part of the proposals. In his report, the Planning Officer noted:

“In regards to the concerns raised over the loss of privacy and amenity from the first floor restaurant and its rear glazed element, I note the distance between this proposed elevation and the nearest facing elevation of The Priory, which is a blank elevation, is 22 metres (ground floor to ground floor distance is 19 metres). The distance from the proposed 1st floor glazed element to the nearest windowed elevation of The Priory is approximately 28 metres.”

In this application for a premises licence review:

- we are concerned about an external garden area which will generate greater levels of noise than an internal restaurant.
- some of the applicants are a great deal closer than those in the planning application cited above. My garden is 2 metres from the pub garden and my house windows are about 8 metres away. Another applicant has windows about 12 metres from the garden, but is only about 7 metres away from the area in the pub used by the live bands.

The conditions imposed in the planning permission for development to the rear of 12 High Street were as follows:

“The A3 element in the development is restricted to the following hours of opening and operation:

- Monday - Friday 07:00 - 21:00
- Saturday 08:00 - 22:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00”

If garden usage is to be permitted, which we do not agree with, the above conditions are the minimum which should be applied given our greater proximity and the difference between internal and external situations.

As far as the playing of amplified live music is concerned, we believe that this should not take place in close proximity to the houses of residents. But if it is to be permitted, then there must be a latest time to which music can be played and a limitation on the number of times a month that it can happen. There should also be a requirement that no doors or windows can remain open during music performances.

Appendix I



View from Lounge (above); View from Bedroom (below)



The Licensing Section
County Offices
Bath Street
Hereford
HR1 2ZF

16th June 2009

Dear Sirs,

Re: The Retreat, 7 High Street, Ledbury.



I am writing in connection with the prevention of public nuisance notice currently being displayed at 'The Retreat', 7 High Street, Ledbury. My husband and I both live and work at number 8, High Street, Ledbury, and as such are severely affected by the noise generated by the patio garden area at the rear of The Retreat. When we moved to 8 High Street 8 years ago the garden of The Retreat was not a beer garden, it had no access from the bar area at all and was only used as a private garden for the landlord. When the pub was refurbished 4 years ago an access was made from the bar area to the garden, but no change of use was requested to change the garden from a private residential garden into a commercial beer garden, and none was given in the planning permission we presumed at the time that this access was for a fire escape.

However since then, and particularly with the arrival of a new landlord, this garden has been used increasingly as a beer garden. The current landlord has the garden in use from morning until late at night seven days a week, and since an external canopy has been constructed, in all types of weather.

The noise generated by the drinkers using the garden is very invasive and hard to ignore. It is not just a gentle murmur of conversation, but on most evenings (& many afternoons) it consists of loud, shouted conversations with raucous laughter, and sometimes chanting. This is often accompanied by foul language. We have a courtyard area in close proximity to this 'pub garden', and it is disturbing to us, to our young children, and to the customers who visit our shop and showroom.

It is obvious that the garden has become a useful space only since the changes in the smoking laws, because it creates an area in which customers can both smoke and drink. The result of this change has brought the noise and clamor, which when contained within the bar would be valued as 'atmosphere', out into the open where it is completely uncontrolled. This change in the law also means that we now have many drinkers hanging around in front of the pub, often in front of our doorway if it is raining, while they smoke their cigarettes. This can be quite threatening if one ventures out with young children.

The fact that this change in the use of the external areas has come with the change in the smoking law is borne out by the fact that the garden was never used as a beer garden, and had no access for such use in past times. (this is confirmed by Mr. Salmon, who lived at number 8 from 1971 until we purchased the property from him).

Letter to The Licensing Section 16/06/09 Page 2.

The local planning officer suggested that this was not a planning issue because a change of use was not involved, but we are aware of many other cases where beer gardens have been created to cater for smokers, and would beg to differ.

We believe that this change, which has considerable effect on those nearby should be considered as either a planning issue demanding a change of use application, or as a licensing issue, where a decision should be made as to whether what has always been a private garden should be allowed under the license to become a beer garden. It may be that it needs consideration on both counts. We have severe doubts as to its suitability as a beer garden, but if the authorities deem otherwise, it should at least be rationalized by a consent or license which creates some control.

We moved here in the full knowledge that we would be living next door to a pub, and we have had little to complain about in that respect until now. We had assumed that fundamental changes such as creating a beer garden would be strictly controlled, and have been surprised that this does not seem to be the case.

I hope that these comments will receive your careful consideration, and that if appropriate, there will be some discussion with the planning department as to how to proceed.

Yours Faithfully,



Phoebe Clive.

Mr N.J.B.Trigg,
Flat Two
38a, Bye Street
Ledbury
Herefordshire
HR8 2AA

23 June 2009

The Licensing Section,
County Offices,
Bath Street
Hereford
HR1 2ZF

Dear Sir,

I am writing in connection with a forthcoming REVIEW of a PREMISES LICENSE at THE RETREAT, 7 HIGH STREET, LEDBURY and feel obliged to mention at the outset that I have, as a musician, to declare a vested interest in the continuance of the aforementioned license. However, I should like to point out a few FACTS about the many, many times that I have played and attended as a listener at the RETREAT.

The performers don't do encores, they are Not allowed to play beyond the allotted time, strict time limits are observed and despite the sometime protestation of music fans, it is pointed out that music is only allowed on these premises as long as laws are adhered to.

I personally have witnessed this observation of the law on these premises many times. I have NEVER been witness to disorderly conduct indeed I understand that calm and competent management has kept away a once prevalent unruly element since taking over the premises some months ago.

It is only since the present management have been in charge that I have been a regular visitor, both to play and enjoy the music on various nights because I NOW consider the pub to be a well run and safe environment to enjoy an evening with friends and members of my family.

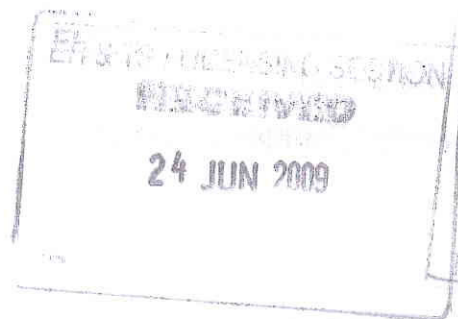
On Tuesdays 'The Retreat' has become a much valued venue locally, it is a place where new musicians, young and old, get to take their first step into public performance in front of a supportive and appreciative audience.

It is a venue on Thursdays where music fans visit from many parts of the county and beyond to enjoy quality live music on a regular basis.

As a musician and guitar tutor I recognize the importance of LIVE music in our community here in Ledbury. Local musicians use this TOWN CENTRE HIGH STREET venue as a meeting point often to discuss community based free performance in order to promote and assist various community based and charitable projects. I hope that this invaluable community resource is not threatened with closure in the future and that the decision makers understand that this developing cultural local centre is a vital element in the well being of the performance of live music in Ledbury.

Yours Faithfully

N.J.B.Trigg



27A HIGH STREET
LEDBURY
HEREFORDSHIRE
HR8 1DS

TO
THE LICENSING SECTION
COUNTY OFFICES
BATH STREET
HEREFORD
HR1 22F

1/6/09

To Whom It May concern,
please read this with reference to a recent request for curtailment of the music licence at The Retreat public house, 7, High Street, Ledbury, Herefordshire. We are suprised that such a request has been made bearing in mind the recent (and not so recent!) history of the said public house. We are certain that the music activities referred to have a attracted a clientele that is very much preferable to that encouraged by past incumbents. The reduction in on-street violence and noise which the present licence holders are to be praised for, has actually dramatically increased the quality of life for local residents. We understand the complainant is the owner of property that adjoins the public house and that an issue of noise from the beer garden has also been raised, if this is so we believe noise from a beer garden should be considered seperately to that of a music licence. We would like to say we have direct experience of the lengths that the management have gone to in reducing noise pollution from the pub itself, namely keeping a strict policy of having the outside door closed even while equipment is being removed. Without doubt the present licence holders are very aware of the possibility of discomfort to local residents. we understand the plaintiff's argument but we feel they should bear in mind the terrible state of affairs that was in place when they actually purchased their property and also the stirling efforts made next-door to appease them in their recent complaints. In our opinion complete curtailment of a music licence would be counter productive to the good of the town and an insult to the hard work the present incumbents have put in.

yours faithfully

Mr M. Ruddick
Mrs N. Ruddick



angie hughes embroidered textiles

Ledbury Artplace, 5a Worcester Rd, Ledbury, Herefordshire HR8 1PL
Tel. 01531 633100
email angie@angiehughes.com

11th June 2009

Dear Sir or Madam,

I am writing to support the continued licence for music at the Retreat public house High St, Ledbury.

I am an artist and musician working hard to support the Creative Industries in Herefordshire. I have on several occasions been consulted by Council funded organisations to advise on creative projects in Ledbury and surrounding areas. I particularly remember being asked to advise on the development of the old hospital, one of the ideas was to build a practice room and studio for young musicians which I whole-heartedly supported.

Ledbury also boasts a school of the creative arts in John Masefield, what concerns me is that we do have a wealth of amazing creativity in the youth of Ledbury, where will they have the opportunity to perform their music if the only decent local live venue has their licence taken away.

Julie particularly supports local musicians two of which have gone on to gain recording contracts (both young men under 25) and national acclaim. Many local bands like the Treefrogs and Billy Whizz both Ledbury based perform regularly to large enthusiastic local audiences.

I understand the concern of local residents re; noise pollution but I know that Julie works hard to keep the problems to a minimum keeping the garden closed during live gigs though a few cheeky drinkers slip through her net. I live only a few doors away from the Retreat in the town centre but I understand a degree of tolerance is needed when neighbours make noise, it is a little downside to living at close quarters with others.

A massive hole in the social calendar of Ledbury life will occur if this music licence is refused, we have already been denied the hugely enjoyable poetry festival party due to a handful of grumpy locals surely there are many many more who gain great pleasure from the live music in this venue.

Your faithfully


Angie Hughes



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 JULY 2009
TITLE OF REPORT:	APPLICATION FOR A VARIATION OF THE PREMISES LICENCE AT SAINSBURY'S, BROAD STREET, ROSS ON WYE, HR9 7YB – LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Ross on Wye

Purpose

To consider an application for a variation of the premises licence relating to Sainsbury's, Broad Street, Ross on Wye, HR9 7YB.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 necessary 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 Licensing Policy

Key Points Summary

- Variation in existing hours to extend the period for the sale by retail of alcohol
- Addition of the licensable activity of Late Night Refreshment
- Two representations from interested parties
- No representations received from responsible authorities
- Hours of application do not match the hours the store will be open

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Sainsbury's Supermarket Limited 33 Holborn, London. EC1N 2HT.	
Solicitor	Winckworth Sherwood LLP	
Type of application: Review	Date received: 27/05/09	28 Days consultation 25/06/09

4 Current Licence

The current licence authorises the following licensable activity (off sales only) during the hours shown: -

Sale by retail of alcohol:

On weekdays, other than Christmas Day, 8 am to 11pm

On Sundays, other than Christmas Day, 10 am to 10.30 pm

On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm

On Good Friday, 8am to 10.30 pm, Sunday-Saturday: 10:00 - 00:00

5 Summary of Application

The application applies to vary the licence to include late night refreshment and the sale by retail of alcohol at the following times: -

Late Night Refreshment (Both indoors and outdoors): 23.00 - 24.00

(Further details: The applicant may elect not to open the store, or part(s) of the store, between these hours but wishes to have the flexibility to do provide late night refreshment should the store, or part(s) of the store, be open. The provision will take place inside the premises but customers may leave the premises with items purchased).

Sale by retail of Alcohol (Off the premises): 06.00 – 24.00.

(Further details: The applicant wishes to have the flexibility to sell alcohol at all times that the store or part(s) of the store, is open. The applicant may elect not to open the store, or part(s) of the store, from 6.00 to 24.00 every day.

6 **Summary of Representations**

Copies of the representations and suggested conditions can be found within the background papers.

7 **Responsible Authorities**

No representations have been received from any of the responsible authorities.

8 **Interested Parties**

Two representations have been received from interested parties.

Other representations were received which were either out of time or considered not to be relevant representations.

9 One of the representees has supplied a copy of a newspaper article which shows that the premises only intends to open between 8am to 9pm.

Key Considerations

10 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

11 Section 17 (4) of the Licensing Act 2003 states that: -

An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—

(b) the times during which it is proposed that the relevant licensable activities are to take place,

12 Guidance issued under Section 182 of the Licensing Act 2003 states at paragraphs: -

10.21. Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

And at paragraph: -

8.39 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St George’s or St Patrick’s Day – and to include appropriate opening hours in their operating schedules. Similarly temporary event notices should

be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.

The attention of the Committee is drawn to the stated 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: -

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

Community Impact

- 13 It is felt that whatever decision is made will have a minimal impact on the Community.

Legal Implications

- 14 Schedule 5 gives a right of appeal: -

Variation of licence under section 35.

4 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

- 15 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

- 16 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

- 17 A copy of the application was served on the responsible authorities. This was backed up by an

email sent to them by the Licensing Authority.

- 18 The notice of application was required to be displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 19 The applicant has failed to date to produce a copy of that advertisement.

Appendices

- 20
1. Application Form for Variations
 2. Public Representations
 3. Copy of newspaper article from the Ross Gazette

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES

Licensing Authority's power to exercise substantive discretionary powers.

**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3)
The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Sainsbury's Supermarkets Limited
(Insert name(s) of applicant)

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

Premises licence number PRM00157
--

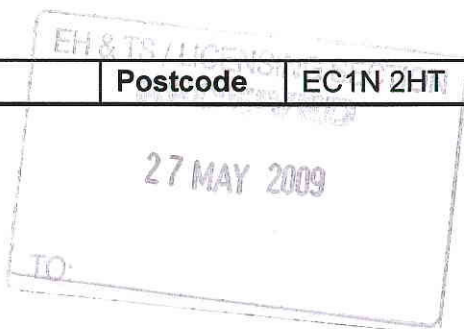
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's Broad Street			
Post town	Ross-on-Wye	Post code	HR9 7YB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£112,000

Part 2 – Applicant details

Daytime contact telephone number	020 7695 4000		
E-mail address (optional)			
Current postal address if different from premises address	33 Holborn All correspondence to: Winckworth Sherwood LLP (Ref: DXC/26508/1192/RPB) Minerva House 5 Montague Close London SE1 9BB		
Post Town	London	Postcode	EC1N 2HT



Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
A supermarket selling a broad range of groceries, household products and alcohol. Situated at Broad Street, Ross-on-Wye, HR9 7YB.

1. Extension of the hours for the sale of alcohol to 06.00 to 24.00 daily.
2. Provision of late night refreshment between the hours of 11.00 p.m. and 24.00 midnight daily.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Tue					
			<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 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
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 4)		
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 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The applicant may elect not to open the store, or part(s) of the store, between these hours but wishes to have the flexibility to do provide late night refreshment should the store, or part(s) of the store, be open. The provision will take place inside the premises but customers may leave the premises with items purchased.		
Mon	2300	2400			
Tue	2300	2400	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	2300	2400			
Thur	2300	2400	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 (please read guidance note 5)		
Fri	2300	2400			
Sat	2300	2400			
Sun	2300	2400			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) The applicant wishes to have the flexibility to sell alcohol at all times that the store, or part(s) of the store, is open. The applicant may elect not to open the store, or part(s) of the store, from 06.00 to 24.00 every day.		
Mon	0600	2400			
Tue	0600	2400			
Wed	0600	2400			
Thur	0600	2400			
Fri	0600	2400			
Sat	0600	2400			
Sun	0600	2400			
			<u>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</u> (please read guidance note 5)		

N

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 8)

The premises sell alcohol and other age related products.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	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 5) The applicant may elect not to open the store, or part(s) of the store, 24 hours a day every day but requires the flexibility to do so subject to statutory or operational restrictions.
Sat	0000	2400	
Sun	0000	2400	

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

1. The hours for the sale of alcohol are currently restricted to:

Monday to Saturday: 0800 to 2300
 Sunday: 1000 to 2230

Christmas: 1200 to 1500 and 1900 to 2230
 Good Friday: 0800 to 2230

The above restrictions would be removed as a consequence of the proposed variation.

Please tick yes

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

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

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

The premises licence was sent to the Licensing Authority on 12 May together with a transfer application.

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions.
4. The system will display on any recording the correct time and date of the recording.
5. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
6. Notices informing customers of the operation of the system shall be prominently displayed.
7. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is adopted by the licence holder.

Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	Winckworth Sherwood
Date	26 May 2009
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

DXC/26508/1192/RPB
Winckworth Sherwood LLP
Minerva House
5 Montague Close

Post town	London	Post code	SE1 9BB
------------------	--------	------------------	---------

Telephone number (if any)	020 7593 0234
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
dcrawford@wslaw.co.uk

Notes for Guidance

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.

1. 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Herefordshire Council
Licensing Section
County Offices
PO Box 233, Bath Street
Hereford HR1 2ZF

GMP Software Limited
The Old Library
20 Broad Street
Ross on Wye
Herefordshire HR9 7EA

Tel: 01989 561030
Fax: 01989 561031
www.fieldstrike.co.uk

09 June 2009

Dear Sirs

Ref: DXC/26508/1192/RPB
Application to Vary Premises License

I am appalled to see that the new Sainsbury store in Ross is proposing to sell alcohol from 6am to Midnight.

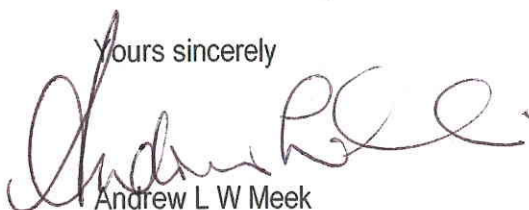
Why on this earth should we be encouraging yet more outlets in Ross to sell yet more alcohol over longer periods of time? Isn't it bad enough already? Sainsbury clearly only has one mercenary motive in mind and not a responsible attitude to reducing street crime and objectionable, unsociable behaviour which goes hand in hand with certain vulnerable people who have had too much to drink.

I wish to object to this application as it will encourage further expense to the tax payer and encourage drinking in the streets, particularly around the Maltings shopping area.



Above are some recent examples of what those in Ross have to put up with as a direct result of alcoholic over indulgence – frequently

Yours sincerely


Andrew L W Meek



Field Fayre

18-19 Broad Street

Ross-on-Wye

Herefordshire

HR9 7EA

Tel: 01989 566683

Fax: 01989 566924

Email: denise@field-fayre.co.uk

Licensing Section
Herefordshire Council
County Offices
PO Box 233,
Bath Street
Hereford
HR1 2ZF

8th June 2009

Sainsbury Application to Vary Premises License

I wish to object in the strongest terms to Sainsbury's being allowed to sell alcohol from 06:00 to 24:00 7 days a week.

This is quite unnecessary particularly flies in the face of government crackdowns on "cheap booze" from supermarkets. I work in the town and am aware of the disruption to our police and the council when it comes to clearing up the mess caused by alcohol abuse. We, as tax payers, have to foot the bill not Sainsbury's and the pubs and clubs who dispense alcohol often to those who should be refused.

Yours sincerely

Denise Meek



ette Letters

on local issues - Have your voice heard

Mr. Ross Gazette, 54a Broad Street, Ross-on-Wye, HR9 7DY

E-mail: ross.gazette@tindlenews.co.uk

and send your letters online at www.ross-today.co.uk
 please keep your letters to no more than 250 words)

S need fences

last letter (*The Ross Gazette* April 29th) about
 and why they are not being let by Ross
 reply. There is no fence at the allotments and
 to install one. If that is the case why not let the
 a fence.

ly, if this is being paid for why is it considered
 e of the plots have been vandalised because of
 me to reply and explain the situation.

Allotment holder, Graham Ward, Ross

ion uncalled for

I wonder how many other hearing aid
 users were at the event. What are they
 thinking?

This grossly insensitive paragraph
 should never have reached the pages of
 your paper as it is blatant discrimina-
 tion to all with hearing impairment.

We are normal members of society
 and should be treated as such. If there
 was a difficulty of the sort described, it
 should have been dealt with privately
 and tactfully and should never have
 been considered as part of the report.

An apology is the least that can hap-
 pen to make amends and perhaps you
 can assure all people with hearing
 impairment that they are welcome at
 any event they wish to attend.

CJ Deane, Ross

Sainsbury's opening hours

MADAM, I write in response to Mr
 Meek's comments regarding Sains-
 bury's application for an alcohol
 licence.

Sainsbury's applied for a standard
 alcohol licence which stipulates the
 times a retailer can trade between. It
 was never the intention to trade the
 hours stated in the licence and the store
 will be open from 8am - 9pm Monday
 to Friday, 8am to 8pm on Saturday and
 10am - 4pm on Sundays.

Sainsbury's is committed to provide
 information on responsible drinking to
 our customers. In February 2007
 Sainsbury's became the first retailer to
 announce it will follow the Department
 of Health's proposed voluntary new
 guidelines on the labelling of alcohol
 on all own-brand beers, wines and spir-
 its. By the end of 2009 all Sainsbury's
 own-brand alcohol products will be so
 labelled.

*Denver Martin,
 Sainsbury's store manager*

Garden vandalised

Four judges, six finalists, one winner

FOLLOWING the heats for the X-entricty Factor, the judges had the diffi-
 cult task of choosing the acts who would go forward to the Final, to be held at the
 Larrupcz Centre on Friday, July 17th. Those six finalists can now be revealed:

Proving that talent clearly runs in the family, well-known singer Alex Knapman
 will be competing in the final against his sister Gemma! Expect powerful perform-
 ances from soul divas Victoria Bailey and Ellice Chidlow, and captivating vocals
 from Steph Frost. Completing the line up is Vicky Jones, from the West Midlands,
 who guaranteed her place in the final with her version of Celine Dion's My Heart
 Will Go On.

The finalists will be mentored by the judges, who will each be trying very hard
 to ensure that one of their acts takes first place!

Steve Liddle, X-entricty's Musical Director, said: "It's going to be a fabulous
 evening's entertainment, with some great songs from very talented performers.
 And each member of the audience will be able to vote for their favourite, so you
 could help choose the winner!"

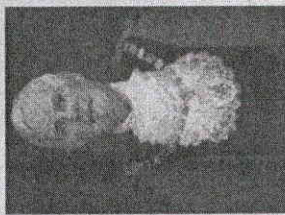
What's more, a number of guest artiste performances will feature on finals night
 as well as an X-entricty medley. Be sure to book your place for what will be a truly
 memorable evening. Tickets are just £5 each, and are available from the Larrupcz
 Centre on 01989 565465.

The Mayor's Column

Councillor John Edwards calls on traders to promote the town

ONE OF the main complaints I hear
 from residents is about the shops in
 Ross. It is claimed that the town is
 "dying" with too many empty premises
 and a surplus of charity shops. Very
 often visitors take a different view. They
 are quite used to seeing empty shops in
 most market towns and consider Ross an
 interesting place to shop.

Nevertheless while it is true that Ross
 does have a good range of specialist
 shops, in my opinion we are not pre-
 senting ourselves to best advantage. I
 happened to visit Usk the other day and
 was very impressed what can be done
 for very little outlay. Usk has a basic
 problem in that a busy road, full of traf-



One is the opening of the new Sains-
 bury's store, which is likely to attract an
 influx of shoppers in the same way as
 Waitrose in Monmouth. Local shops
 have not made much effort to tap into the
 million shoppers that come to Labels but
 don't come to the town. However with
 Sainsbury's the shoppers will actually
 come to the centre of Ross and will be
 looking at other retail premises and
 attractions to visit.

Another chance to do something posi-
 tive will come at Christmas. Respon-
 ding to a great deal of criticism during
 recent years about the Christmas lights,
 the Town Council is formulating plans
 for a new approach this year. A special

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 JULY 2009
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE 'BIG CHILL, EASTNOR CASTLE, DEER PARK, EASTNOR, LEDBURY, HR8 1RD.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Ledbury & Hope End

Purpose

To consider an application for a premises licence in respect of the Big Chill, Eastnor Castle, Deer Park, Eastnor, Ledbury, HR8 1RD.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 necessary 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 Licensing Policy.

Key Points Summary

- One off premises licence.
- Licensed for 4 days (6 August to 10 August 2009).
- Licensed for up to 39,999.
- Representations from Responsible Authorities which have not been withdrawn as conditions have been agreed.
- No representations from interested parties.

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Chillfest Ltd 257-259 Pentonville Road, London. N1 9NL	
Solicitor	Nil	
Type of application: New Application	Date received: 03/03/09	28 Days consultation 30/03/09

Previous Hearing

- 4 This matter previously appeared before the committee on 8 May 2009 when the hearing was adjourned to allow the applicant and responsible authorities to agree conditions.

Licence Application

- 5 The application for a new premises licence received representations from the Environmental Health Officer (EHO). Since that time the applicant and EHO have negotiated a set of conditions which will be attached to the licence and as a result the representation has been withdrawn.

Summary of Application

- 6 The application is for a time limited licence to operate between 6th August and 10th August 2009.

- 7 The licensable activities applied for (all indoors and outdoors) are as follows during the times shown: -

Plays, live music, recorded music, performance of dance, provisions for making music, provision of facilities for dancing, entertainment of a similar nature to the provision of facilities for music and dance: Thursday – Sunday 12:00 - 05:00.

Films: Thursday 12:00 - 05:00 Friday - Sunday 10:00 – 05:00.

Late Night Refreshment: Thursday – Sunday 23:00 - 05:00.

Supply of Alcohol (On & Off Premises): Thursday – Sunday 11:00 - 05:00.

Summary of Representations

- 8 Copies of the agreed conditions agreed between the applicant and responsible authorities can be found within the background papers.

Interested Parties

- 9 No representations were received by interested parties.

Key Considerations

- 10 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

Community Impact

- 11 It is felt that any decision made will have a minimal impact on the Community.

Legal Implications

- 12 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

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

(b) rejects (in whole or in part) an application to vary a premises licence under section 35,

(c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or

(d) rejects an application to transfer a premises licence under section 44,

the applicant may appeal against the decision.

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).

- 13 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

- 14 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 15 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 16 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 17 The applicant has produced a copy of that advertisement which complies with the legislation.

Appendices

- 18
1. Application Form for Variations
 2. Public Representations
 3. Copy of newspaper article from the Ross Gazette

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES

Licensing Authority's power to exercise substantive discretionary powers.

**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3)
The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.



*Paid Receipt
394729
2/3/09*

Licensing Section, Unit 10, Blackfriars Street, Hereford, HR4 9HS

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

PLEASE READ THE FOLLOWING INSTRUCTION FIRST

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

We CHILLFEST LTD apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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 EASTNOR CASTLE DEER PARK, EASTNOR, LEDBURY, HEREFORDSHIRE	
Post town LEDBURY	Post code HR8 1RD

Telephone Number of premises (if any) N/A

Non-domestic rateable value £0

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

- | | | |
|---|---|-----------------------------|
| | Please tick <input checked="" type="checkbox"/> Yes | |
| a) an individual or individuals* | | Please complete section (A) |
| b) a person other than an individual* | | |
| i. as a limited company | YES | Please complete section (B) |
| ii. as a partnership | | 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 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:

- I am currently 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

Please tick ✓ Yes
YES

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname **First Names**

I am 18 years old or over

Please tick ✓ Yes

Current postal address if different from premises address

Post Town **Post Code**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First Names

Please tick
✓ Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name CHILLFEST LTD
Address 257-259 PENTONVILLE ROAD, LONDON, N1 9NL
Registered number (where applicable) 04588637
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any) Katrina Larkin: 07949 233 826 or 020 7685 0521
e-mail address (optional) katrina@bigchill.net

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
06.	08.	2009

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

Day	Month	Year
10.	08.	2009

If 5,000 or more people attend the premises at any one time, please state the number 39,999

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

THE PREMISES IS A 'GREEN FIELD' SITE. IT CONSISTS OF A NUMBER OF FIELDS. A PLAN SHOWING THE PRECISE LOCATION OF THE PROPOSED EVENT SITE HAS BEEN SUBMITTED TO THE STATUTORY AUTHORITIES AS PART OF THIS PREMISES LICENCE APPLICATION. A ONE YEAR TEMPORARY PREMISES LICENCE IS BEING SOUGHT FOR AN EVENT THAT WILL BE HELD ON THE SECOND WEEKEND IN AUGUST. TEMPORARY STRUCTURES IN THE FORM OF BIG TOPS, MARQUEES AND OUTDOOR STAGES WILL BE ERECTED FOR THE PROVISION OF REGULATED ENTERTAINMENT AND ENTERTAINMENT FACILITIES. WITHIN THE LICENSED AREA THERE WILL BE A NUMBER OF FOOD OUTLETS FOR THE PROVISION OF LATE NIGHT REFRESHMENT ALONG WITH A NUMBER OF BAR SERVERYS IN VARIOUS LOCATIONS FROM WHICH THE SALE AND SUPPLY OF ALCOHOL WILL TAKE PLACE. ALL OF THE ABOVE FACILITIES, ALONG WITH ANY ADDITIONAL ONES, HAVE BEEN CLEARLY MARKED ON THE SITE PLAN THAT HAS BEEN SUBMITTED AS PART OF THIS LICENCE APPLICATION.

What licensable activities do you intend to carry on from the premises?
 (Sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003 - Please see Herefordshire Council's Licensing Act 2003 Guidance)

Please tick ✓ Yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- | | | |
|-----------------------------|--|-----|
| i) <input type="checkbox"/> | making music (if ticking yes, fill in box I) | YES |
| j) <input type="checkbox"/> | dancing (if ticking yes, fill in box J) | YES |
| k) <input type="checkbox"/> | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | YES |

Provision of late night refreshment (if ticking yes, fill in box L) YES

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

IN ALL CASES COMPLETE BOXES N, O AND P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3). COMEDY AND SPOKEN WORD TO BE PERFORMED ON STAGE TO AUDIENCE. WALKABOUT ARTISTS WILL PERFORM AROUND THE SITE TO SMALL GROUPS. * THE FOLLOWING DAY	Both	YES
Tues					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4).		
Thurs	12:00	05:00*			
Fri	12:00	05:00*	<u>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</u> (please read guidance note 5)		
Sat	12:00	05:00*			
Sun	12:00	05:00*			

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3). TO PERMIT MUSIC VIDEOS AND PRE-RECORDED VISUAL BROADCASTS AS PART OF A BAND OR DJ SET. ALSO TO PERMIT TRADITIONAL CINEMA FORMAT FILMS TO BE SHOWN. * THE FOLLOWING DAY	Both	YES
Tues					
Wed			<u>State any seasonal variations for the exhibitions of films</u> (please read guidance note 4).		
Thurs	12:00	*05:00			
Fri	10:00	*05:00	<u>Non standard timings. Where you intend to use the premises for the exhibitions of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	*05:00			
Sun	10:00	*05:00			

C

Indoor Sporting Events Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3).
Day	Start	Finish	NOT APPLICABLE
Mon			
Tues			
Wed			
Thurs			
Fri			
Sat			
Sun			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4).
			<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 5)

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon				Both		
Tues				<u>Please give further details here</u> (please read guidance note 3).		
Wed				NOT APPLICABLE		
Thurs				<u>State any seasonal variations for the boxing or wrestling entertainment</u> (please read guidance note 4)		
Fri				<u>Non standard timings. Where you intend to use the premises for the boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick [y] (please read guidance note 2).	
Day	Start	Finish	Indoors	Outdoors
			Both	YES
Mon			Please give further details here (please read guidance note 3). BOTH AMPLIFIED AND UNAMPLIFIED LIVE MUSIC PLAYED BY A VARIETY OF CONTEMPORARY PERFORMANCE ARTISTS, BANDS AND OTHER PERFORMERS. THERE WILL ALSO BE SOUND CHECKS OUTSIDE THE LICENCED HOURS (AFTER 09:00 ON EACH EVENT DAY). * THE FOLLOWING DAY State any seasonal variations for the performance of live music (please read guidance note 4).	
Tues				
Wed				
Thurs	12:00	*05:00		
Fri	12:00	*05:00		
Sat	12:00	*05:00		
Sun	12:00	*05:00		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the performance of recorded music take place <u>indoors or outdoors or both</u> – please tick [y] (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
			Both	YES
Mon			Please give further details here (please read guidance note 3). AMPLIFIED RECORDED MUSIC PLAYED BY A VARIETY OF CONTEMPORARY PERFORMANCE ARTISTS, MUSIC SYSTEMS OR DJ'S AND OTHERS OF A SIMILAR NATURE. THERE WILL ALSO BE SOUND CHECKS OUTSIDE THE LICENCED HOURS (AFTER 09:00 ON EACH EVENT DAY). * THE FOLLOWING DAY State any seasonal variations for playing recorded music (please read guidance note 4).	
Tues				
Wed				
Thurs	12:00	*05:00		
Fri	12:00	*05:00		
Sat	12:00	*05:00		
Sun	12:00	*05:00		
			Non standard timings. Where you intend to use the premises for the performance of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick [y] (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
			Both	YES
Mon			Please give further details here (please read guidance note 3). DANCING AS PART OF MUSICAL ENTERTAINMENT ON STAGE AND IN VARIOUS POSITIONS AROUND THE SITE. TO INCLUDE CIRCUS STYLE ACROBATIC / CABARET / VARIETY PERFORMANCES. * THE FOLLOWING DAY State any seasonal variations for the performance of dance (please read guidance note 4).	
Tues				
Wed				
Thurs	12:00	*05:00		
Fri	12:00	*05:00		
Sat	12:00	*05:00		
Sun	12:00	*05:00		
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick [y]</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3).		
Tues			NOT APPLICABLE		
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e) (f) (g)</u> (please read guidance note 4).		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of 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 5)		
Sat					
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
Day	Start	Finish	<u>Will the facilities for making music take place indoors or outdoors or both – please tick [y]</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	YES
Mon			<u>Please give further details here</u> (please read guidance note 3).		
Tues			FROM TIME TO TIME THE FOLLOWING FACILITIES MAY BE PROVIDED AT THE PREMISES: AMPLIFIED AND UNAMPLIFIED FACILITIES FOR IN HOUSE SOUND/MUSIC SYSTEM INCLUDING KARAOKE AND MUSICAL INSTRUMENTS, VIDEO AND TV OR FILM SCREENS * THE FOLLOWING DAY		
Wed			<u>State any seasonal variations for the provisions of facilities for making music</u> (please read guidance note 4).		
Thurs	12:00		<u>Non-standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
		*05:00			
Fri	12:00	*05:00			
Sat	12:00	*05:00			
Sun	12:00	*05:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both – please tick [y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	YES
Mon			Please give further details here (please read guidance note 3). PROVISION OF PERMANENT OR TEMPORARY DANCE FLOORS OR IN OTHER AREAS THROUGHOUT THE SITE * THE FOLLOWING DAY		
Tues					
Wed			State any seasonal variations for the provisions of facilities for dancing (please read guidance note 4).		
Thurs	12:00	*05:00			
Fri	12:00	*05:00	Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	*05:00			
Sun	12:00	*05:00			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	YES
Mon			Please give further details here (please read guidance note 3). PRODUCTION ELEMENTS SUCH AS LIGHTING AND STAGE DECORATIONS FOR THE PURPOSES OF PERFORMANCES. * THE FOLLOWING DAY		
Tues					
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thurs	12:00	*05:00			
Fri	12:00	*05:00	Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	*05:00			
Sun	12:00	*05:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [y]</u> (please read guidance note 2)	Indoor	
Day	Start	Finish		Outdoor	
				Both	YES
Mon			Please give further details here (please read guidance note 3). SUPPLY OF HOT FOOD AND/OR HOT DRINKS AT CONCESSION LOCATIONS WITHIN THE EVENT SITE AND ON THE CAMPSITES * THE FOLLOWING DAY		
Tues					
Wed			State any seasonal variation for the provision of late night refreshment (please read guidance note 4)		
Thurs	23:00	*05:00			
Fri	23:00	*05:00	Non-standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	*05:00			
Sun	23:00	*05:00			

M

Supply of alcohol* Standard days and timings (please read guidance note 6)			<u>Will the sale of alcohol be for consumption– please tick [y]</u> (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
				Both	YES
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4) * THE FOLLOWING DAY		
Tues					
Wed			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 5)		
Thurs	11:00	*05:00			
Fri	11:00	*05:00			
Sat	11:00	*05:00			
Sun	11:00	*05:00			

***If applying to supply alcohol you must provide Premises Supervisor Details**

State the name and details of the individual whom you may wish to specify on the licence as Premises Supervisor

Name: Andrew Snell

Address: 2 Lebanon Gardens, Wandsworth, London

Postcode: SW18 1RG

Personal Licence Number (if known): LBWands/00833

Issuing Licensing Authority (if known): Wandsworth

N

Please 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 the respect of children (please read guidance note 8)

ACCESS TO ANY AREAS ON SITE THAT ARE UNSUITABLE FOR CHILDREN WILL BE RESTRICTED TO PERSONS AGED 18 OR OVER. APPROPRIATE CAUTIONS FOR FILMS WILL BE PROVIDED TO PARENTS AND GUARDIANS IF NECESSARY AND DETAILS OF THE FILMS CLASSIFICATION WILL BE ADVERTISED. FURTHER DETAIL CONCERNING THE USE OF THE PREMISES THAT MAY GIVE RISE TO CONCERN IN THE RESPECT OF CHILDREN, AND MEASURES TO PROTECT CHILDREN WILL BE GIVEN IN THE EVENT MANAGEMENT PLAN.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)
Day	Start	Finish	* THE FOLLOWING DAY <u>Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Mon			
Tues			
Wed			
Thur	09:00		
Fri	00:00	*00:00	
Sat	00:00	*00:00	
Sun	00:00	*00:00	
		*16:00	

P

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

- a) **General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

The company has operated this event for a number of years. Management, employees and any other person or organisation contracted to work at the event must operate in accordance with existing policies and procedures.

These operating policies & procedures are identified in the Event Management Plan which will be submitted as a separate document to the responsible authorities for consultation purposes. The Licensable Activities shall be carried out from 6th August to 10th August 2009 inclusive.

An Event Management Plan will be produced by the licence holder for the Event. The first draft is to be produced for the consideration of Responsible Authorities at least four months prior to the Event to which it relates with the licence holder using best endeavours to procure the production of the final agreed version at least four weeks prior to that Event. The Event Management Plan will contain an appropriate level of detail so as to properly promote the licensing objectives. It shall be produced following consultation with the Responsible Authorities and to their agreement, using the Multi Agency meetings for this purpose.

The Event shall take place in accordance with the Event Management Plan produced for the Event and agreed with the Responsible Authorities. The licence holder will act in a manner consistent with their commitment to maintaining good order and decent behaviour within the licensed premises and will take all due precautions to ensure the safety of the public, employees and performers.

The licence holder will appoint an Event Safety Company, who is of sufficient competence, status and authority to advise the licence holder effectively on safety at the licensed premises. The Event Safety Company will have a 24hr presence throughout the licensed period.

Authorised officers of the Licensing Authority and the Responsible Authorities who are in the course of their duties, will be given access to all parts of the licensed premises for the purposes of monitoring and enforcing the observance of any conditions and any other relevant legislation.

The licence holder will provide an Event Control Centre where one person from each of the Responsible Authorities will be offered a place so as to maintain a presence on site to ensure good communication between all Responsible Authorities during the Event.

The licence holder will make arrangements for a dedicated telephone line to be made available and manned for the receipt of any complaints from the general public whilst the Event is taking place. The telephone number will be publicised locally and all complaints recorded.

The Event Management Plan shall be agreed with the Responsible Authorities and shall include:
roles and responsibilities of persons in connection with the management of the event, along with details, arrangements and plans in respect of:

Venue and Site Design
 Fire Safety
 Major Incident Planning (Emergency planning)
 Communication
 Crowd Management
 Transport Management
 Structures
 Barriers
 Electrical Installations and Lighting
 Food, Drink and Water
 Merchandising and Special Licensing
 Amusements, Attractions and Promotional Displays
 Sanitary Facilities
 Waste Management
 Sound: Noise and Vibration
 Special Effects, Fireworks and Pyrotechnics
 Camping
 Facilities for People with Disabilities
 Medical, Ambulance and First Aid Management
 Information and Welfare
 Children
 Performers
 TV and Media
 Health and Safety Responsibilities

b) The prevention of crime and disorder

PREVENTION OF CRIME:

1. That a revised and completed Event Management Plan will be submitted to the Licensing Authority, West Mercia Constabulary, and Hereford and Worcester Fire and Rescue Authority by the 10th July 2009.
2. That any variations to the Event Management Plan made after the 10th July 2009, will be notified in writing to the Licensing Authority, West Mercia Constabulary and Hereford and Worcester Fire and Rescue Authority, and will meet the requirements and expectations of those authorities.
3. That the completed Event Management Plan will meet the requirements of the above Licensing Authority, West Mercia Constabulary and Hereford and Worcester Fire and Rescue Authority, in respect of the 4 licensing objectives, and will contain a detailed account of security and stewards numbers and their roles and responsibilities based on the risk assessment.
4. That the number of Police Officers and Police Support Officers on site during the festival will be those agreed in writing between West Mercia Constabulary and Chillfest Ltd.

c) Public safety

PUBLIC SAFETY:

5. That a suitable and sufficient Event Management Plan shall be provided to the satisfaction of Environmental Health by 27th March 2009. The Plan should be a working document providing details of how the event is to be conducted and safety issues addressed, it should address safety issues raised by the Safety Advisory Group, include an event risk assessment and provide specific details on the following areas:
 1. Fire safety
 2. Electrical safety
 3. Slips, trips and falls
 4. Lighting
 5. Stages & Barriers
 6. Sanitary provisions

7. Waste receptacles & collection
8. Vehicle & pedestrian movements
9. Crowd management & security
10. Structural safety
11. Water, Food & drink
12. Sound (noise & vibration)
13. Adverse weather
14. Special effects (including fireworks)
15. Emergency evacuation

6. No significant alterations to the site layout or entertainment activities provided on the site that could affect the organizers ability to fulfill the four licensing objectives shall be made without prior notification to, and approval by, Environmental Health.

Electrical Installations

7. All electrical installations and equipment are to be provided in accordance with the advice and guidance outlined in the Event Safety Guide [ISBN 0 7178 2453 6].

8. On completion of electrical installations on the site, and prior to commencement of the event, a competent person shall sign-off all electrical installations as safe.

Temporary Demountable Structures

9. A satisfactory completion certificate shall be provided by a competent person for all temporary demountable structures in the entertainment area prior to the start of the event.

Regulating Numbers of Persons in Tented Structures

10. The maximum permitted numbers, in all tented structures where regulated entertainment is provided, shall be agreed by Environmental Health prior to first use.

11. Suitable means of regulating the number of persons present, in the tented structures at any time when used for entertainment, shall be included in the Event Management Plan to the satisfaction of Environmental Health.

12. The licensee shall nominate a person to manage each tented area whilst open to the public and that person shall, on request of an authorised officer, demonstrate the means of regulating numbers.

Stewards

13. A sufficient number of stewards shall be provided in all entertainment areas to the satisfaction of Environmental Health.

14. All stewards shall be fit to carry out their allocated duties, aged 18 years or over and shall not consume or be under the influence of alcohol or other drugs.

15. All stewards must be trained, briefed and equipped (including appropriate PPE) to a standard that reflects their responsibilities.

16. All stewards are to be readily identifiable by the wearing of distinctive tabards (or similar), clearly and indelibly marked with the words "STEWARD".

17. All stewards to have a means by which they are individually identifiable by a number.

Drinking Water

18. Free and unrestricted access to drinking water standpipes shall be provided at all times and without charge.

Lakes

19. The licensee shall ensure, where reasonably practicable, that no one enters the lakes within the festival site.

Lighting

20. Adequate levels of illumination shall be provided throughout the site for the duration of the event.

d) The prevention of public nuisance

PREVENTION OF PUBLIC NUISANCE:

Noise and Sound Management and On Site Exposure

The Licensee shall ensure that over the duration of the event the following restrictions are adhered to:

21. The Peak Sound Pressure Level in any part of the audience areas of the event shall not exceed 140 dB, and;
22. The Event Equivalent Continuous Sound Level in the audience areas shall not exceed 107dB(A) and;
23. Suitable ear protection equipment shall be made readily available to all staff working in the entertainment areas.

Off-Site Exposure

Noise levels arising from the event, when measured at locations to be specified by the Licensing Authority, shall be as follows:

24. Between 09.00 and 23.00 hours the Music Noise Level (LAeq) shall not exceed the background noise level (LA90) by more than 15 dB.

For Friday & Saturday Night Performances:

25. Between the hours of 23.00 and 02.00 hours, the Music Noise Level (LAeq) shall not exceed the background noise level (LA90) by more than 10 dB.

26. Between the hours of 02.00 and 09.00 hours, the Music Noise Level shall not exceed background levels and should be inaudible inside any noise sensitive dwelling with windows closed.

For the Sunday Night Performance:

27. Between the hours of 23.00 and 01.00 hours, the Music Noise Level (LAeq) shall not exceed the background noise level (LA90) by more than 10 dB.

28. Between the hours of 01.00 and 09.00 hours, the Music Noise Level shall not exceed background levels and should be inaudible inside any noise sensitive dwelling with windows closed.

29. The licensee shall immediately comply with any request to reduce or adjust noise levels/frequency spectra made by an officer of the council or the Police Force.

30. The Licensee shall make appropriate arrangements for the assessment of noise for the duration of the event, which will be documented. A copy of all noise assessment data will be made available to an authorised officer upon request.

Refuse

31. All rubbish shall be adequately stored in appropriate containers. Such containers will be sufficient in number and suitably located around the site.

32. No waste shall be burnt on site before, during or after the festival. All waste produced on site shall be collected and disposed of by a licensed, authorised waste company.

e) The protection of children from harm

PROTECTION OF CHILDREN:

Films

33. Children under the age of 18 will not be allowed in the film area whilst material that is considered unsuitable for under 18's is showing. After 21:00hrs the film area will be restricted to 18's and over only.

Supply of Alcohol

34. Proven methods (such as the 'challenge 21' method) shall be employed for the prevention of unlawful supply, consumption and use of alcohol and other products, which is illegal to sell to children.

Please tick ✓ Yes

- I have made or enclosed payment of the fee YES
- I have enclosed the plan of the premises YES
- I have sent copies of this application and the plan to the responsible authorities (please read guidance note 14) YES
- I have enclosed the consent form completed by the individual I wish to be the premises supervisor, if applicable YES
- I understand that I must now advertise my application YES
- I understand that if I do not comply with the above requirements my application will be rejected YES

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please see guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

PART A

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively) where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve or New Years Eve.
6. Please give timings in 24 hour clock and only give details for days of the week you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.
14. The responsible Authorities to which copies of your application must be sent in full are West Mercia Constabulary and Hereford & Worcester Fire Authority. Applications may be sent by post or electronically to the following addresses:

At the same time or at least within 48 hours of making an application to the Licensing Section of Herefordshire Council, a copy of your application and all supporting documentation must be sent to

**The Chief Officer
The Licensing Unit
West Mercia Constabulary
Bath Street
Hereford
HR1 2HT**

AND, if applying for a variation of an existing licence or a new premises licence you must also send a copy of your application and plans to the Chief Fire Officer

**The Chief Fire Officer
Hereford & Worcester Fire & Rescue Service
West District
St Owens Street
Hereford
HR1 2JW**

MEMORANDUM

To : FRED SPRIGGS, LICENSING OFFICER
From : SARAH OSBORNE, ENVIRONMENTAL HEALTH OFFICER
Tel : 01432 260017 My Ref : SDO/17205
Date : 29/5/09 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
BIG CHILL, EASTNOR CASTLE DEER PARK, EASTNOR, LEDBURY, HR8 1RD**

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

REPRESENTATION

Public Safety

Event Safety Management Plan

A suitable and sufficient Event Safety Management Plan shall be provided to the satisfaction of all members of the Safety advisory group. The Plan should be a working document providing details of how the event is to be conducted and safety issues addressed, it should address safety issues raised by the Safety Advisory Group, include an event risk assessment and provide specific details on the following areas:

- Venue and Site Design
- Fire Safety
- Major Incident Planning (Emergency planning)
- Communication
- Crowd Management (inc steward and security numbers and their roles)
- Transport Management
- Structures
- Barriers
- Electrical Installations and Lighting
- Food, Drink and Water
- Merchandising and Special Licensing
- Amusements, Attractions and Promotional Displays
- Sanitary Facilities
- Waste Management
- Sound: Noise and Vibration
- Special Effects, Fireworks and Pyrotechnics
- Camping
- Facilities for People with Disabilities
- Medical, Ambulance and First Aid Management
- Information and Welfare
- Children
- Performers
- TV and Media
- Health and Safety Responsibilities

The Event shall take place in accordance with the Event Management Plan produced for the Event and agreed with the Responsible Authorities. No significant alterations to the site layout or entertainment activities provided on the site that could affect the organizers ability to fulfil the four licensing objectives shall be made without prior notification to and approval by the responsible authorities.

Event Safety Manager

The licence holder will appoint an Event Safety Manager, who is of sufficient competence, status and authority to advise the licence holder effectively on safety at the Event. The Event Safety Manager will have a deputy of similar competence to assist and provide cover for overnight periods of the Event.

Event Control

The licence holder will provide an Event Control Centre where one person from each of the Responsible Authorities will be offered a place so as to maintain a presence on site to ensure good communication between all Responsible Authorities during the Event.

Lanterns

The Licensee shall ensure, so far as reasonably practicable, that lanterns are launched only from a designated area on the hill and a sufficient distance away from, the Main Stage.

Electrical Installations

All electrical installations and equipment are to be provided in accordance with the advice and guidance outlined in the Event Safety Guide [ISBN 0 7178 2453 6].

On completion of electrical installations on the site, and prior to commencement of the event, a competent person shall sign-off all electrical installations as safe.

Temporary Demountable Structures

A satisfactory completion certificate shall be provided by a competent person for all temporary demountable structures in the entertainment area prior to the start of the event.

Regulating Numbers of Persons in Tented Structures

The maximum permitted numbers, in all tented structures where regulated entertainment is provided, shall be agreed by Environmental Health prior to first use.

Suitable means of regulating the number of persons present, in the tented structures at any time when used for entertainment, shall be included in the Event Management Plan to the satisfaction of Environmental Health.

The licensee shall nominate a person to manage each tented area whilst open to the public and that person shall, on request of an authorised officer, demonstrate the means of regulating numbers.

Stewards

A sufficient number of stewards shall be provided in all entertainment areas to the satisfaction of Environmental Health.

All stewards shall be fit to carry out their allocated duties, aged 18 years or over and shall not consume or be under the influence of alcohol or other drugs.

All stewards must be trained, briefed and equipped (including appropriate PPE) to a standard that reflects their responsibilities.

All stewards are to be readily identifiable by the wearing of distinctive tabards (or similar), clearly and indelibly marked with the words "STEWARD".

All stewards to have a means by which they are individually identifiable by a number.

Drinking Water

Free and unrestricted access to drinking water shall be provided at all times and without charge.

Lakes

The licensee shall ensure, where reasonably practicable, that no one enters the lakes within the festival site.

Lighting

Adequate levels of illumination shall be provided throughout the site for the duration of the event.

Smoking signs

To display at least one large (approximately 7x4ft) 'No smoking' sign on both the inside and outside of the Coop and Big Chill Night's tents.

REFERENCES

LACORS guidance for council regulatory officers (2nd Ed) on the implementation of smokefree legislation in England pg 46

S. D. Osborne

**SARAH OSBORNE
ENVIRONMENTAL HEALTH OFFICER (COMMERCIAL)
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

PREVENTION OF PUBLIC NUISANCE:

Noise or vibration must not emanate from the premises so as to cause a nuisance or so as to interfere with the use or enjoyment of any surrounding premises.

The licensee must immediately comply with any request to reduce or adjust noise levels/frequency spectra made by an officer of the council or the Police Force.

Notwithstanding the generality of the above conditions, the Licensee shall ensure that over the duration of the event the following restrictions are adhered to:

The licensee must ensure that off-site noise monitoring is undertaken on a regular basis (at least ever 2 hours) during performance times. A record of these visits must be recorded at the time and must be made immediately available to the Local Authority or a responsible authority on request. The off-site monitoring must be measured at the following designated off-site monitoring points (as shown on attached map):-

- Clenchers Mill Lane,
- Yew Tree Cottage (Bradlow),
- Hancocks Lane (Welland),
- Caves Folly Nurseries
- Little Hill (Ewendine)

Further noise monitoring points may be added at the discretion of the local authority following a complaint of noise nuisance from a member of the public. In these circumstances the Local Authority must inform the Licence holder who must ensure that the criteria as listed above are met.

The noise levels (LAeq) arising from the event, when measured at the designated monitoring points must not exceed the background noise level (LA90) as follows: -

Thursday, Friday, Saturday & Sunday Daytime

Between 09.00 and 23.00 hours by more than 15 dB.

For Thursday, Friday & Saturday Night Performances:

Between the hours of 23.00 and 02.00 hours, by more than 10 dB.

Between the hours of 02.00 and 09.00 hours: -

- The noise shall not exceed background levels
- In addition the noise should be inaudible inside any noise sensitive dwelling with windows closed

For the Sunday Night Performance:

Between the hours of 23.00 and 01.00 hours, by more than 10 dB,

Between the hours of 01.00 and 09.00 hours: -

- The Noise Level shall not exceed the background levels

- In addition the noise should be inaudible inside any noise sensitive dwelling with windows closed.

Immediate action must be taken to reduce noise levels if the prescribed levels are exceeded at any time.

A telephone number at the venue must be distributed to local residents and any complaints of noise must be investigated and noise levels reduced if the limits required by the license are exceeded. A record must be kept of all complaints received and of any action taken in response to the complaint.

Protection of children from harm:

Films

Children under the age of 18 must not be allowed in any film area whilst material that is considered unsuitable for under 18's is showing. After 21:00hrs the Cinema Tent must be restricted to 18's and over only.

Supply of Alcohol

Proven methods (such as the 'challenge 21' method) shall be employed for the prevention of unlawful supply, consumption and use of alcohol and other products, which is illegal to sell to children.

No person under the age of 18 years shall be permitted in the Big Chill Nights tent after 21:00 Thursday, Friday and Saturday and 20:00 on Sunday

As far as reasonable practicable no persons under 18 must be permitted in the Coop Tent between 21:00 and until its closure.

MEMORANDUM

To : J. LINDSAY-JONES, LICENSING ASSISTANT, LICENSING SECTION

From : RICHARD CORFIELD, ENVIRONMENTAL HEALTH OFFICER,
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261666 My Ref : REC/HH

Date : 30th March 2009 Your Ref :

LICENSING ACT 2003
NOTIFICATION OF APPLICATION FOR GRANT OF AN OCCASIONAL PREMISE
LICENCE FOR 6TH – 10TH AUGUST 2009
'BIG CHILL' EASTNOR CASTLE DEER PARK, EASTNOR, LEDBURY.

In respect of the above application I have no objection to the grant of the premises licence subject to the following additional conditions in order to prevent public nuisance.

Public Safety

-

Prevention of Public Nuisance

The final version of the event management plan must be approved by the Local Authority prior to the event.

The sound management report produced by Vanguardia, or other noise consultant, must be made available to the Local Authority for perusal and any recommendations incorporated into the event management plan prior to the event.

Prevention of Crime and Disorder

-

Protection of Children from Harm

-



 RICHARD CORFIELD
ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS