

AGENDA

Regulatory Sub Committee

Date: **Wednesday 5 August 2009**

Time: **4.00 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 JW Hope MBE**
 Councillor P Jones CBE
 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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<p>1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.</p>	
<p>2. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>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.</p>	
<p>4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. APPLICATION FOR A NEW PREMISES LICENCE 'THE JAMSTAND 2009, CAROLINE SYMONDS GARDENS, ROSS-ON-WYE.' To consider an application for a premises licence in respect of the Jamstand 2009, Caroline Symonds Gardens, Ross on Wye.</p>	1 - 6
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- 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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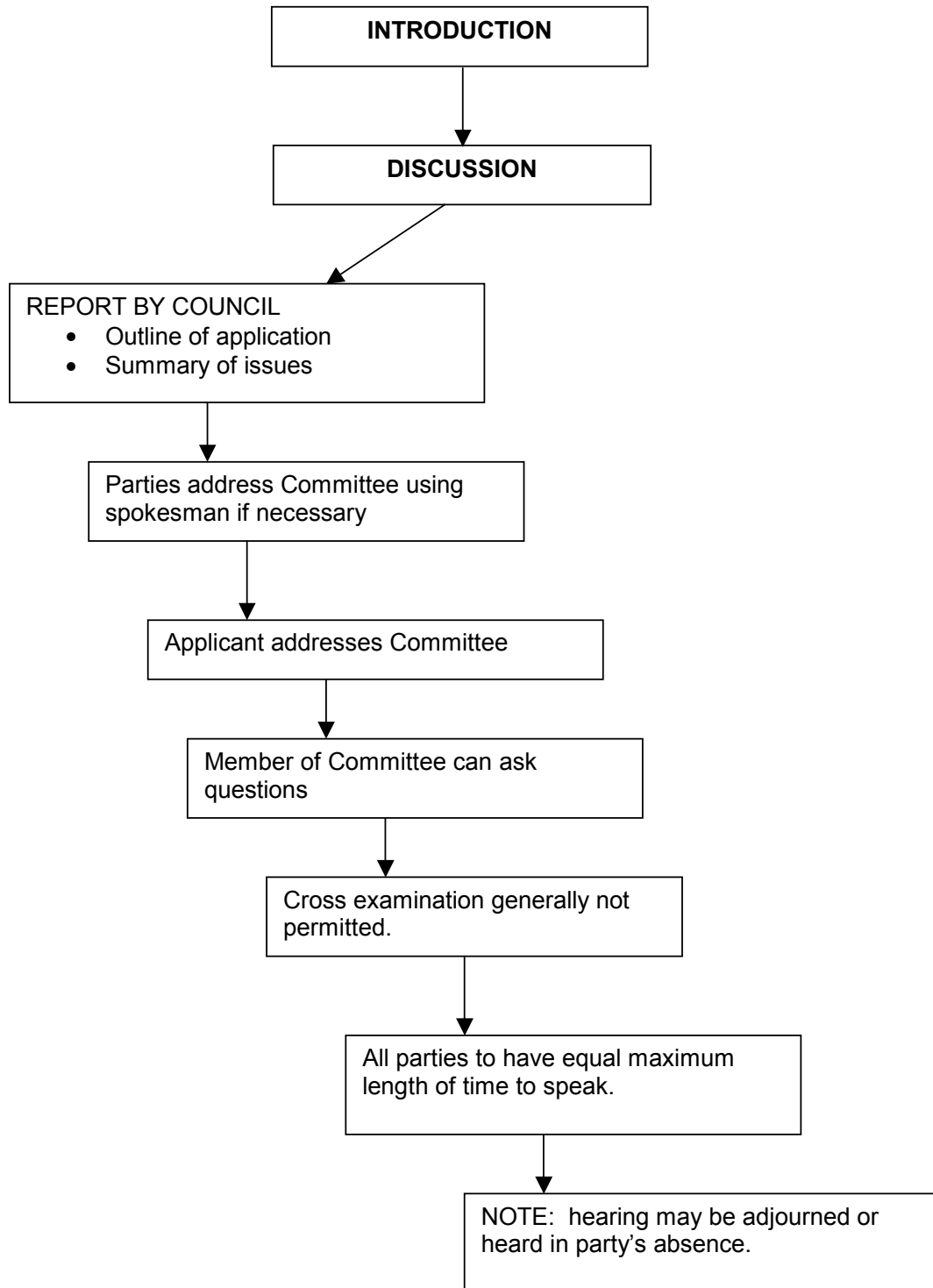
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	5 AUGUST 2009
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE 'JAMSTAND 2009, CAROLINE SYMONDS GARDENS, ROSS ON WYE.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Ross on Wye

Purpose

To consider an application for a premises licence in respect of the Jamstand 2009, Caroline Symonds Gardens, Ross on Wye.

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 3 days (7 August to 9 August 2009).
- Licensed for up to 4,999.

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

- Representations from Responsible Authorities which have not been withdrawn.
- Four representations from interested parties.

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	Jack Baldus	
	Linfield House, Gloucester Road, Ross on Wye. HR9 5LR	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New Application	22/06/09	19/07/09

Licence Application

- 5 The application for a new premises licence has received representations from the Environmental Health Officers (EHOs), the Police and 4 local residents.

Summary of Application

- 6 The application is for a time limited licence to operate between 7th August and 9th August 2009.
- 7 The licensable activities applied for (all indoors and outdoors) are as follows during the times shown: -

Live music, recorded music, performance of dance, provisions for making music and provision of facilities for dancing: -

Friday (7 Aug); 13:30 – 00:00

Saturday (8 Aug); 12:00 – 01:00

Provision of late night refreshment: -

Friday (7 Aug); 23:00 – 01:00

Saturday (8 Aug); 23:00 – 02:00

Sale by retail of alcohol: -

Friday (7 Aug); 12:00 – 00:00

Saturday (8 Aug); 12:00 – 01:00

Premises to be open to the public: -

Friday (7 Aug); 12:00 – 01:00

Saturday (8 Aug); 11:00 – 02:00

Summary of Representations

- 8 Copies of the representations and suggested conditions can be found within the background papers.
- 9 Representations have been received from the Environmental Health Officer (Pollution), the Environmental Health Officer (Commercial) and the Police

Interested Parties

- 10 Four representations were received from interested parties, all who are local residents.

Key Considerations

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

- 12 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 The decision made will have differing impacts on the Community. If the application was to be granted it is difficult to gauge the extent of the impact. If the application was to be refused then clearly this will affect the large number of people who are likely to attend the event.

Legal Implications

- 14 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).

- 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 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 produced a copy of that advertisement which complies with the legislation.

Appendices

- 20 a. Application Form
- b. Public Representations
- c. Representations from EHO Officers
- d. Police representation

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.

[Insert name and address of relevant licensing authority and its reference number (optional)]

receipt
410881 - PS.
£79 + £21.

Application for a premises licence to be granted 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 I JACK BALDUS (JAMSTAND 2009) apply for a premises licence under section 17 of
(Insert name(s) of applicant)
the Licensing Act 2003 for the premises described in Part 1 below (the premises)
and I/we are making this application to you as the relevant licensing authority in
accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description CAROLINE SYMMONS GARDENS WYE STREET ROSS-ON-WYE HEREFORDSHIRE	
Post town	HR97BT ROSS-ON-WYE
Post code	HR97BT

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 0

FH & TS / LICENSING SEC.
RECEIVED
22 JUN 2009

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company 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:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr 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 Postcode

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 Postcode

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 the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
07	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
09	08	2009

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

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

PUBLIC BANDSTAND GARDENS / OPEN GREEN FIELD SITE.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- 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 for:

- 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)

Supply 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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<u>Please give further details here (please read guidance note 3)</u>	Both		
Tue						
Wed				<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur						
Fri				<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 (please read guidance note 5)</u>		
Sat						
Sun						

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
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 [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<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					<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)
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) LIVE BANDS PERFORMING ON STAGE WITH AMPLIFIED MUSIC	Both	<input checked="" type="checkbox"/>
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur					
Fri	13:30	00:00			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)
Sat	12:00	01:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) AMPLIFIED MUSIC	Both	<input checked="" type="checkbox"/>
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri	13:30	00:00		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12:00	01:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 3) DANCING MAY BE CARRIED OUT ON STAGE		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri	13:30	00:00	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 5)		
Sat	12:00	01:00			
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
Mon				Outdoor	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					

Sat			<p>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 (please read guidance note 5)</p>
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (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)	
Mon			DJ EQUIPMENT / SOUND EQUIPMENT	
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri	13:30	00:00	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12:00	01:00		
Sun				

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 [Y] (see guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	

Mon			Please give further details here (please read guidance note 3) DANCE FLOOR
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri	13:30	00:00	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	01:00	
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)			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
Mon				Outdoor
Tue				Both
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			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)	
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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3) FOOD VANS ON SITE			
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri	23:00	01:00		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)		
Sat	23:00	02:00				
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Tue						
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)		
Thur						
Fri	12:00	00:00				
Sat	12:00	01:00				
Sun						

Sun			
-----	--	--	--

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name..... TINA WENDY JONES.....

Address..... 1 HILL VIEW ROAD.....
ROSS-ON-WYE HEREFORDSHIRE.....

Postcode..... HR9 7EY.....

Personal Licence number(if known) 1228.....

Issuing licensing authority (if known)..... HEREFORDSHIRE COUNCIL.....

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)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri	<u>12:00</u>	<u>01:00</u>	
Sat	<u>11:00</u>	<u>02:00</u>	
Sun			
			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 (please read guidance note 5)

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)

b) The prevention of crime and disorder

STEWARDS AND THE POLICE WILL BE PRESENT ON SITE THROUGHOUT THE ENTIRE DURATION OF THE EVENT

c) Public safety

SIGN OFF CERTIFICATES (ELECTRICAL, STRUCTURES WHICH ARE DEMOUNTABLE, RISK ASSESMENTS, FIRE RISK ASSESMENTS)
STEWARDS WILL BE PRESENT ON SITE THROUGHOUT EVENT.

d) The prevention of public nuisance

e) The protection of children from harm

SUITABLE SIGNS ADVERTISING AGE RESTRICTION AND CHALLENGE 25.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

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

Signature Jack Bellis

Date 19.06.09

Capacity EVENT ORGANISER

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 postal 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)	

Notes for Guidance

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 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, 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.

Hereford Police Station
Bath Street
HEREFORD
HR1 2HT
Tel 08457 444888 Fax: 01432 347148



WEST MERCIA
CONSTABULARY
TOGETHER - WORKING FOR SAFETY AND JUSTICE

6th July 2009..

Our Ref:
Your Ref:

Herefordshire Council Licensing Department
The County Offices
PO Box 233
Bath Street
HEREFORD

Dear Sir or Madam:

REF: JAM STAND 2009
APPLICATION FOR PREMISE LICENCE,
LICENSING ACT 2003

I refer to the above mentioned application, made pursuant to section 17 of the Licensing Act 2003, received by the West Mercia Police on the 23rd June 2009

The application is for a premise licence, in the Caroline Symonds Garden area of Wye Street, Ross on Wye.

The application is to allow the licensable activities of, the provision of regulated entertainment, the provision of late night refreshment and the sale by retail of alcohol, over the week end of the 7th to the 9th August 2009.

The applicant has operated this event on the same site in both 2007 and 2008. In those years the event has been run utilising a temporary event notice, and has operated for one day only, with the numbers being restricted to under 500.

The event has been operated as a free one day music festival, and whilst the application does not state how this years event is to operate, the official Jamstand website indicates it will be a free 2 day music festival with 2 stages.

It was the view of the West Mercia Police, that this application does not give sufficient information in respect of what measures the applicant intended to take to promote the licensing objectives , to comply with section 17 (4) (G) of the Licensing Act 2003.

The application gives no indication of what numbers are anticipated to attend, although the applicant has indicated to the local press that up to 4000 will actually attend.

The application has given no indication of what of any security measures are in place. It gives no indication of how many if any SIA registered door supervisors will be present. It gives no indication of how many stewards will be present and what their role will be. The application gives no indication of how they will promote the licensing objective of the prevention of crime and disorder

The application states that both stewards and the police will be present on the site for the duration of the event. The West Mercia Police have received no application for the use of police officers to assist with the policing of this event.

The application gives no details or information on how tickets for this event have been sold or circulated, or what if any control the applicant will have on numbers attending. In the previous two years when the event has operated on a TEN the numbers should have been restricted to under 500, how ever the official website for Jamstand 2009 boasts that over 3000 attended last year.

The application gives no indication on what if any measures will be place to prevent a public nuisance. The event is applying to have live amplified music until 0100 hours in the morning in a semi residential area. It gives no indication of what measures will be taken to prevent a noise nuisance to those residents. The official website indicates that there will be a DJ Dome playing the best dance music including drum and base. From a sketch plan submitted with the application it would appear that this is to take place in an open side marquee. The application gives no indication of what if any measures are in place to control numbers in the DJ dome.

The application gives no indication of what if any toilet facilities will be in place for up to 4000 people. It gives no indication of what if any first aid facilities will be in place.

The application is for the site to be licensed for the sale by retail of alcohol until 0000 hours on the 7th and 0100 hours on the 9th. A sketch plan of the site has been submitted with a main marquee shown has housing a bar. No indication has been given on how the applicant will control numbers in this tent. What security measures will be in place? The application gives no indication of any risk assessment being carried out.

The sketch plan submitted with this application does not show the area to be licensed.

The Licensing Act 2003 requires at section 17 (3) B) for the application to be accompanied by a plan

It is the view of the West Mercia Police that the sketch plan submitted with this application does not comply with section 17 (3) (B)

It is the view of the West Mercia Police that this application does not give sufficient details of what steps are to be taken to comply with section 17 (4) (G), and as such it is not possible for proper consideration to be given to the application.

The West Mercia Police would seek the licensing authority to refuse this application on the grounds that it does not comply with the requirements of section 17 of the Licensing Act 2003.

It is the view of the West Mercia Police, that the lack of information contained in then application, and the failure of the applicant to submitted an operating schedule detailing what measures will be taken to promote all 4 licensing objectives, it is not possible to formulate specific conditions that might be required.

Given the limited information available, the West Mercia Constabulary would, if the licensing authority were to grant a licence seek the following conditions

That a capacity for the premise licence be set at 4999, and that the premise licence holder has proven methods in place to control the number of people entering the site.

That the premise licence holder secures the necessary number of police officers on site, as agreed with the West Mercia Police, and the cost of this policing operation is met by the applicant.

That an event management plan is submitted, detail security and stewarding numbers roles and responsibilities.

S G Thomas
PC 697.
Licensing Officer

Licensing Department
Hereford Police Station
Bath Street
HEREFORD
HR 1 2 HT
Direct Dial: 01432 364552
Fax: 01432 364563
Our Ref:
Your Ref:

21st July 2009.

Herefordshire Council Licensing Department
The County Offices
PO Box 233
Bath Street
HEREFORD

Dear Sir / Madam

REF: JAMSTAND 2009.
APPLICATION FOR PREMISE LICENCE.
LICENSING ACT 2003.

I refer to the above mentioned application, made pursuant to the Licensing Act 2003, and the representations I made to the Licensing Authority on the 6th July 2009.

The West Mercia Police have now received further documentation, by way of an event plan and site plan in respect of the application.

The additional documentation received still indicates that the site is to be open to the public, with no control measures in place to monitor or if necessary restrict numbers entering. It is the view of the West Mercia Police, that the responsibility for security and safety on the premise, is the sole responsibility of the licence holder, and that with out any method or structure in place to control the numbers, suitability or eligibility of those entering the site, it would undermine both the public safety and prevention of crime and disorder licensing objectives, not to have the site secured.

If the licensing authority were to grant the premise licence for the date, times and hours applied for the West Mercia Police would seek the following condition to be included in the licence.

- That the premise licence holder secures the area to be licensed by means of a secure fence.
- That the licence holder provides SIA security staff on all entrances and exits to the premise site, to vet the suitability of those entering and to prevent numbers exceeding the limits set, by way of the licence, fire risk assessment, and event risk assessment.

The additional documentation submitted to the West Mercia Police, suggests that plans are in place to increase the number of stewards, and their training, with a team of 6 professional security guards,

The documentation, does not give any details of the numbers, training, roles or responsibilities of the stewards referred to. It is noted that the document submitted under the heading "Chain of Command " factors in 12 stewards.



The event plan does give details of the capacities for two of the tented structures on site, namely the DJ tent and Bar tent, and states that compliance with these capacities will be maintained by the security staff. This would leave only 2 security staff to monitor and control the remainder of the site, including the main stage, and makes no provision for any breaks etc.

If the licensing authority were to grant the premise licence for the date, times and hours applied for the West Mercia Police would seek the following conditions be included in the licence.

- That the licence holder submits a schedule of the times, locations, roles and responsibilities of the SIA registered security staff deployed on site, based on the risk assessment.
- That the licence holder submits a schedule of the times, locations, roles and responsibilities of the stewards deployed on site, based on the risk assessment.

Both the event plan and the document submitted under the heading “Chain of Command “ makes reference to the provision on site of police officers , and indicates that this provision has been provided in previous years, when the event was much smaller, and has taken place without serious incident.

If the licensing authority were to grant the premise licence for the date, times and hours applied for the West Mercia Police would seek the following condition to be included in the licence.

- That the licence holders make provision for sufficient police officer to be on site, in agreement with the West Mercia Police, and that the cost of these offices is borne by the licence holder.

The above are the minimum conditions the West Mercia Police would wish to see on any licence issued and are necessary to promote the licensing objective of the prevention of crime and disorder.

The documentation submitted indicates that an information point will be established on the site and that this point will also act as a lost / found child point.

In order to promote the licensing objective of the protection of children from harm, the West Mercia Police would seek the licensing authority to impose the following condition on any licence issued.

- That staff engaged at the information point, Lost / Found child point are CRB checked.

It is the view of the West Mercia Police that the above are the minimum conditions necessary , and are required to promote the licensing objectives, and if they cant not be met, then we would seek the licensing authority to refuse to grant the licence as applied for.

S G Thomas
Licensing Officers
PC 607

MEMORANDUM

To : **FRED SPRIGGS, LICENSING OFFICER**

From : **RICHARD ROBERTS , ENVIRONMENTAL HEALTH OFFICER,
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

Tel : **01432 261668** My Ref : **RLR/JB/48**

Date : **17th JULY 2009** Your Ref :

**LICENSING ACT 2003
NOTIFICATION OF APPLICATION FOR GRANT/VARIATION OF PREMISES LICENCE
JAMSTAND 2009, ROSS-O0N-WYE, HEREFORDSHIRE**

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

Prevention of Public Nuisance

1. The extended finished time for music on Saturday 8th August 2009 until 1 a.m. will, in my opinion, increase the potential for complaints from members of the public from noise sensitive dwellings. The finish time on Friday 7th August 2009 of 12 O'Clock midnight is adequate. The Saturday finish time for music should therefore be limited to 12 midnight the same as the Friday night.
2. The policies and procedures contained within the Event Management Plan and operating schedule must be affectively implemented.
3. Noise levels arising from the event, when measured at the nearest noise sensitive dwellings shall be as follows:

Between 13.30 and 23.00 hours live music and recorded music noise levels (LAeq) must not exceed the background noise level (LA90) by more than 15 dB.

Between the hours of 23.00 and 12 O'Clock midnight live music and recorded music noise levels (LAeq) shall not exceed the background noise level (LA90) by more than 10 dB.
4. The Licensee must provide an information leaflet drop to nearby residents informing that of the nature and duration of the event and a contact telephone number for reporting complaints and emergency situations during the event.
5. The Licensee must immediately comply with any requests to reduce or adjust noise levels made by an office of the Council or the Police.
6. All rubbish must be stored in appropriate containers. Such containers must be sufficient in number and suitably located around the site.
7. No waste must be burnt on site before, during, or after the festival. All waste produced from the site must be collected and disposed of by a licenced authorised waste company.

8. A suitably and sufficient number of closets, urinals and disabled toilets, shall be provided in accordance with the recommendations found in the "Event Safety Guide" ISBN0717824536.
9. All sanitary conveniences and facilities must be regularly maintained, repaired and serviced using suitable experienced, competent workers, throughout the licenced event, to ensure that they are kept safe, clean and hygienic. Arrangements must made for the rapid clearance of any blockages and for the emptying of waste tanks as necessary.

Protection of Children from Harm

1. The polices and procedures contained within the Event Operating Schedule must be effectively implemented.
2. Proven methods must be employed by the prevention of unlawful supply, consumption and use of alcohol, drugs and other products which is illegal to sell to children.
3. No person of the age of 18 years old must be allowed to serve alcohol within the premises without the written permission of the Council.
4. Staff must ensure sight of evidence of age from any person appearing to those engaged of selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.

**R. L. ROBERTS
ENVIRONMENTAL HEALTH OFFICER (POLLUTION)
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

MEMORANDUM

To : LICENSING OFFICER

From : SARAH OSBORNE, ENVIRONMENTAL HEALTH OFFICER

Tel : 01432 260017 My Ref :

Date : 13/7/2009 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
JAMSTAND 2009, CAROLINE SYMMONDS GARDENS, WYE STREET, ROSS ON WYE**

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

Representation	Industry Guidance
<p>PUBLIC SAFETY</p> <p><u>Event management plan</u> 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 must be made without prior notification to and approval by the responsible authorities.</p> <p><u>Electrical Installations</u> 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].</p> <p>On completion of electrical installations on the site, and prior to commencement of the event, a competent person must sign-off all electrical installations as safe.</p> <p><u>Temporary Demountable Structures</u> A satisfactory completion certificate must be provided by a competent person for all temporary demountable structures in the entertainment area prior to the start of the event.</p> <p><u>Regulating Numbers of Persons in Tented Structures</u> The maximum permitted numbers, in all tented structures where regulated entertainment is provided, must be agreed by Environmental Health prior to first use.</p> <p>Suitable means of regulating the number of persons present, in the tented structures at any time when used for entertainment, must be included in the Event Management Plan to the satisfaction of Environmental Health.</p> <p>The licensee must 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.</p>	

Stewards

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

All stewards must be fit to carry out their allocated duties, aged 18 years or over and must 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 must to be readily identifiable by the wearing of distinctive tabards (or similar).

REFERENCES

The Event Safety Guide (Purple Guide) – A guide to health, safety and welfare at music and similar events.

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

11
Jamstand Aug 7-8 - Ross-on-Wye

Dear Mr Spiggs,

I don't want to repeat (and bore you and the committee) comments made by others re: The Jamstand Event on Aug 7-8 2009. Whereas, like others, my wife and I are deeply concerned about excessive noise directly in front of our house, we would not object if this event ~~is~~ finished by midnight on both nights. Apparently, the music is programmed to run from 4pm on the Aug 7 and from ~~the~~ 1pm on Aug 8. Surely, ending at midnight will still give all bands plenty of time to play their favourites.

So, in essence, this is an objection to an alcohol or music licence that allows this event to continue past midnight. The organiser, Jack Bulchus, is to be complimented on nearly everything. We could become additional fans if his enthusiasm could be tempered to end this event before the early hours and allow all of us living nearby to enjoy our

3rd July 2009

Mr Fred Spriggs
Licensing Officer
Environmental Health & Trading Standards
Herefordshire Council
Unit 10, Blackfriars Street
HEREFORD
HR4 9HS

Dear Mr Spriggs

REF: LICENCE APPLICATION FOR JAMSTAND 2009
CAROLINE SYMONDS GARDENS, ROSS-ON-WYE

I write with regard to the Public Notice in Wednesday, 1st July 2009, edition of the Ross Gazette in respect of a licence application for live and recorded music and the sale of alcohol, indoors and out, between the hours of midday to 2 a.m. from 7th to 9th August 2009.

As a local resident who will be affected by the noise created by this event, I should like to state my objection to the granting of this licence, as detailed. It was my understanding that the bandstand in Caroline Symonds Gardens was only to be available for non-amplified music and, quite obviously, the playing of recorded music will need to be amplified.

I am also very concerned that alcohol will be available for sale from midday until 2 a.m. This will inevitably lead to drunkenness and, possibly, noisy and aggressive behaviour. It is also likely to produce a serious littering problem.

Whilst I appreciate that Jamstand 2009 will be beneficial to Ross-on-Wye local businesses, I believe that the Council should also consider local residents and restrict both the performance of live and amplified music and the sale of alcohol to the hours of midday to midnight.

Mr Fred Spriggs
Licensing Section
Environmental Health and Trading Standards Service
Environment Directorate
Unit 10 Blackfriars Street
Hereford
HR4 9HS

Dear Mr Spriggs

Jamstand 2009, Caroline Symonds Gardens, Ross-on-Wye, Licence Application

We live close to the riverside bandstand and we object to the application for an entertainment licence for Jamstand 2009. When the bandstand was built, it was understood that it would not be used for amplified music. It was envisaged as somewhere for groups such as Ross Town Brass band to entertain locals and passers-by on warm summers' afternoons, and not a source of noise and nuisance to the quiet majority of local residents and visitors.

Concerns were raised about the Wilton Sports Club's licence application in the autumn of 2006. The club's licence was granted with restrictions to safeguard nearby residents' peace and quiet. The bandstand application is for outdoor as opposed to indoor entertainment, and being closer to the centre of town there is a much greater potential for disturbance.

We are dismayed that Jamstand 2009 is already being widely advertised even before being granted a licence. You are probably aware that last year's Jamstand was chaotically organised. There was a serious noise nuisance. There were no arrangements for cleaning and tidying around the riverside, nor for anywhere for visitors to stay. This resulted in a significant fouling and littering problem which was left to the council and its contractors to clear away over the next few days. There was no evidence of stewarding, which is an essential part of any event combining crowds and alcohol.

The application to run the event until 2.00am is completely unreasonable. It takes no account of residents in the Archenfield and Wye Street areas of Ross, and Wilton who need to sleep, and must work the following day.

Duly Sir 2009.

Licensing Section
Herefordshire County Council
County Office
P.O. Box 233, Bath Street
Hereford HR1 2ZF



Dear Sirs

Jaustrand 2009, Caroline Symonds Gardens,
Ross-on-Wye

I refer to the application by Jack Baldus
for the Grant of a licence for live and
recorded music and the sale of food and
alcohol from midday to 2 a.m. on August
7th, 8th, 9th at the above venue, and would
like to register my objections

When the question of licensing for the bandstand
was raised in 2007 we were given a
verbal assurance that there would be no
amplified music. The brass bands who use
the bandstand during the summer seem to
manage without it, and though audible are
not intrusive. Amplification was certainly
used at Jaustrand last year, and three nights
of it will be intolerable for those of us who
live close by.

The state of the grounds after just one night last year was squalid - rubbish, food waste and excrement not only in the immediate vicinity of the grounds, but as far away as the playing fields

The sale of alcohol until 2 a.m. seems an inducement to binge drinking, and means that we will have noisy drunks all night long on the river bank

We have several pubs in Wye Street, but they curtail their activities at a reasonable hour. An influx of revellers to what had already become a widely advertised event are unlikely to show such consideration.

