

# AGENDA

## Regulatory Sub Committee

Date: **Tuesday 15 September 2009**

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Time: **10.00 am**

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

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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](mailto:rclarke@herefordshire.gov.uk)

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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](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Sub Committee

**Membership**            **Councillor P Jones CBE**  
                                 **Councillor A Seldon**  
                                 **Councillor JD Woodward**

## **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**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b>	
To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>4. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>5. APPLICATION FOR A PREMISES LICENCE ' ARTE, 48-50 ST OWENS STREET, HEREFORD, HR1 2PU.'</b>	1 - 6
To consider an application for a premises licence in respect of 'Arte', 48-50 St Owens Street, Hereford, HR1 2PU.	
<b>Background Papers - Arte - Application Form</b>	7 - 24
<b>Background Papers - Arte - Environmental Health Representation</b>	25 - 26
<b>Background Papers - Arte - Public Representations</b>	27 - 42
<b>Background Papers - Arte - Premises Licence (Doodies)</b>	43 - 58
<b>Background Papers - Arte - Premises Licence (Miro Catering)</b>	59 - 72





# **The Public's Rights to Information and Attendance at Meetings**

## **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).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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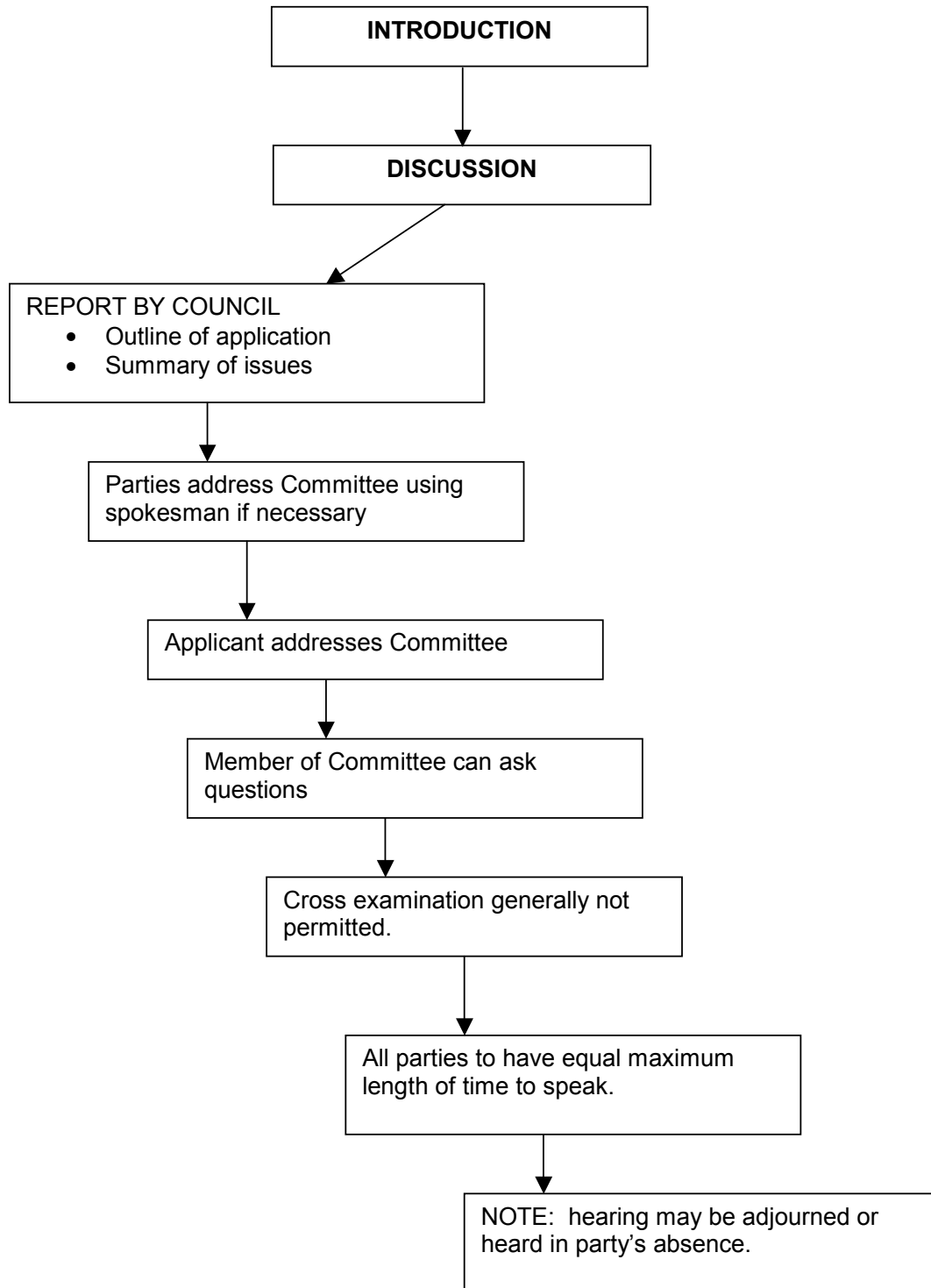
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## LICENCING HEARING FLOW CHART





<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>15 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR GRANT OF PREMISES LICENCE 'ARTE, 48-50 ST OWENS STREET, HEREFORD, HR1 2PU.' - LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Hereford Central

### **Purpose**

To consider an application for a premises licence in respect of the 'Arte', 48-50 St Owens Street, Hereford, HR1 2PU.

### **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**

- Application for premises licence to replace 2 existing licences
- 4 Public Representations against the application
- 6 Public Representations in support of the application
- Representations from Environmental Health Pollution, a responsible authority

### **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,

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

- 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	<b>Miro Catering Ltd</b> <b>14 – 15 Union Street, Hereford. HR1 2BT.</b>	
Solicitor	<b>Nil</b>	
Type of application: <b>New Application</b>	Date received: <b>27/07/09</b>	28 Days consultation <b>24/08/09</b>

### Premises History

- 4 The premises are currently licensed by two premises licences.
- 5 The area of the premises which fronts onto St Owen Street is covered by a licence issued under the name of Doodies, 48/50 St Owens Street, Hereford. This current licence was issued 31 October 2007. This licence covers the ground floor of the premises. A copy of this licence is attached within the background papers.
- 6. The second licence covers that area of the premises which fronts Cantilupe Street and was issued on 30 April 2008 under the name of 'Arte' 48/50 St Owen Street. This licence covers both the ground and first floor. A copy of this licence is attached within the background papers.

### Licence Application

- 7 The application for a new premises licence has received representations and is brought before the committee for determination.

### Summary of Application

- 8 The application is for Plays, Films, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing, late night refreshment (all indoors) and the supply of alcohol (on and off the premises).

The following hours have been applied for in respect of these: -

Plays, Films  
All days of the week 10:00 to 23:00

Live Music  
Wednesday & Thursday 10:00 to 00:00  
Friday & Saturday 10:00 to 00:30  
Sunday 10:00 to 23:00

Recorded Music  
Monday to Thursday 10:00 to 00:00  
Friday to Saturday 10:00 to 00:30  
Sunday 12:00 to 23:00

Performance of dance  
Monday to Saturday 10:00 to 23:00  
Sunday 10:00 to 22:00

Provision of facilities for making music  
Wednesday to Saturday 10:00 to 00:00  
Sunday 10:00 to 22:00

Provision of facilities for dancing  
Wednesday & Thursday 10:00 to 23:00  
Friday & Saturday 10:00 to 00:00  
Sunday 12:00 to 23:00

Late Night Refreshment  
Monday to Saturday 23:00 to 00:00

Supply of alcohol  
Monday to Thursday 10:00 to 00:00  
Friday & Saturday 10:00 to 01:00  
Sunday 12:00 to 23:00

9 The premises to be open to the public:-

Monday to Thursday 10:00 to 00:00  
Friday & Saturday 10:00 to 01:00  
Sunday 12:00 to 23:00

10 The application applies for non-standard timings as follows:-

Live Music & Supply of alcohol  
Christmas Eve until 01:00  
New Years Eve until 02:00

Recorded Music & Provision of facilities for dancing  
Christmas Eve until 01:00  
New Years Eve until 02:00  
Friday & Saturday during December until 00:30

Premises to open to the public  
Christmas Eve until 01:00

## Summary of Representations

- 11 Copies of the representations and suggested conditions can be found within the background papers.
- 12 Representations have been received from the Environmental Health Officer (Pollution), 4 Local residents against the application and 6 local residents supporting the application.

## Key Considerations

- 13 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.
- 14 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: -

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. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

## Community Impact

- 15 The granting of the licence as applied for may have an impact on the Community.

## Legal Implications

- 16 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).

17 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

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

19 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.

20 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.

21 The applicant has produced a copy of that advertisement. Whilst this covers the main application no reference has been made to the non-standard timings applied for.

## Appendices

- 22 a. Application
- b. Copy of Premises Licence for Doodies
- c. Copy of Premises Licence for Arte
- d. Representations from EHO
- e. Public Representations

## 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.

receipt  
403209  
FSIS  
pud  
102

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

**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 Mira Catering Ltd 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 <u>48-50 St Owens Street</u>	
Post town <u>Hereford</u>	Post code <u>HR1 2PU</u>

Telephone number at premises (if any)

01432 343400

Non-domestic rateable value of premises

£

EH & TS / LICENSING SECTION  
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27 JUL 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

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)

**(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	Miro Catering Ltd
Address	14-15 Union Street Hereford HR1 2BT
Registered number (where applicable)	06347800
Description of applicant (for example partnership, company, unincorporated association etc)	Limited Company
Telephone number (if any)	01432 343400
E-mail address (optional)	info@arte.restaurant.CO.UK

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year

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

Day	Month	Year

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)

A wine bar serving alcoholic & non alcoholic drinks along with light bar snacks

A Mediterranean restaurant with full restaurant service.

An American Diner serving full table meals.

A function / meeting suite on 1st floor to include service of food.



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)

**Provision of regulated entertainment**

Please tick ✓ yes

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

**Provision of entertainment facilities for:**

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

**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)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	23.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	23.00		Private play or recital	
Wed	10.00	23.00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	10.00	23.00			
Fri	10.00	23.00	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	10.00	23.00			
Sun	10.00	23.00			

**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 [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	23.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	23.00		Showing of a film for private viewing	
Wed	10.00	23.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	23.00			
Fri	10.00	23.00	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)		
Sat	10.00	23.00			
Sun	10.00	23.00			



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			
Thur			<b>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</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<b>Please give further details here</b> (please read guidance note 3)
Tue					
Wed					<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)
Thur					
Fri					<b>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</b> (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 indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3) A group of 2-3 persons, a guitarist, Piano, Keyboard, Vocalist etc may be amplified at times	Both	<input type="checkbox"/>	
Tue						
Wed	10.00	00.00		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	00.00				
Fri	10.00	00.30	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)  Christmas eve 01.00 New Years Eve 02.00			
Sat	10.00	00.30				
Sun	10.00	23.00				

**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 [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	10.00	00.00	Please give further details here (please read guidance note 3) A dance with recorded music to be used for weddings, Private functions or background.	Both	<input type="checkbox"/>	
Tue	10.00	00.00				
Wed	10.00	00.00		State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	10.00	00.00				
Fri	10.00	00.30	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)  Christmas eve 01.00 New Years eve 02.00 Friday & Saturday 00.30 during December			
Sat	10.00	00.30				
Sun	12.00	23.00				

**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	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	10.00	23.00	Please give further details here (please read guidance note 3)  A demonstration or private lessons.	Both	<input type="checkbox"/>	
Tue	10.00	23.00				
Wed	10.00	23.00		State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	23.00				
Fri	10.00	23.00		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	10.00	23.00				
Sun	10.00	22.00				

**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	<input type="checkbox"/>	
Mon				Please give further details here (please read guidance note 3)	Outdoor	<input type="checkbox"/>
Tue			Both		<input type="checkbox"/>	
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><b>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</b> (please read guidance note 5)</p>
Sun			

<p><b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Please give a description of the facilities for making music you will be providing</b></p>																															
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td>10.00</td> <td>00.00</td> </tr> <tr> <td>Thur</td> <td>10.00</td> <td>00.00</td> </tr> <tr> <td>Fri</td> <td>10.00</td> <td>00.00</td> </tr> <tr> <td>Sat</td> <td>10.00</td> <td>00.00</td> </tr> <tr> <td>Sun</td> <td>12.00</td> <td>22.00</td> </tr> </tbody> </table>			Day	Start	Finish	Mon			Tue			Wed	10.00	00.00	Thur	10.00	00.00	Fri	10.00	00.00	Sat	10.00	00.00	Sun	12.00	22.00	<p><b>Will the facilities for making music be indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)</p> <table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>		Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
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Indoors	<input checked="" type="checkbox"/>																																	
Outdoors	<input type="checkbox"/>																																	
Both	<input type="checkbox"/>																																	
			<p><b>Please give further details here</b> (please read guidance note 3)</p>																															
			<p><b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)</p>																															
			<p><b>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</b> (please read guidance note 5)</p>																															

<p><b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Will the facilities for dancing be indoors or outdoors or both – please tick [Y]</b> (see guidance note 2)</p> <table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>		Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>									
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<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Day	Start	Finish				<p><b>Please give a description of the facilities for dancing you will be providing</b></p> <p>Lessons &amp; events Dinner dance, Private functions always with provision of a meal.</p>	
Day	Start	Finish								

Mon			Please give further details here (please read guidance note 3)  Live & recorded music that could be amplified
Tue			
Wed	10.00	23.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur	10.00	23.30	
Fri	10.00	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)  Christmas eve 01.00 New Years eve 02.00 Fri & Sat during Dec 00.30
Sat	10.00	00.00	
Sun	12.00	23.00	

## K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>	
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			Please give further details here (please read guidance note 3)	Both
Wed				
Thur				
Fri			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)	
Sat				
Sun			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)	

**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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	00.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	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	00.00			
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	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00	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)		
Fri	10.00	01.00			
Sat	10.00	01.00			

New years eve 02.00

Christmas eve 01.00



Sun	12.00	23.00	

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

Name..... Roland Pearson

Address..... 50A St Owens Street

Hereford

Postcode..... HR1 2PU

Personal Licence number(if known)..... 07/00371 / LAPER

Issuing licensing authority (if known)..... Spelthorne Borough 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)

NONE

**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	10.00	00.00	
Tue	10.00	00.00	
Wed	10.00	00.00	
Thur	10.00	00.00	
Fri	10.00	01.00	
Sat	10.00	01.00	
Sun	12.00	23.00	
			<p><b>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)</b></p> <p>Christmas eve 01.00</p> <p>New years eve 02.00</p>

## 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

1. Designated Premises Supervisor, plus assigned supervisor
2. No service to anyone who is or appears to be drunk
3. No service to anyone who is disorderly or abusive
4. CCTV

c) Public safety

1. Emergency exits + lighting provided
2. The premises shall be adequately ventilated whilst open to the public

d) The prevention of public nuisance

- 1) notice on quiet when leaving premises
2. Smoking bins + ashtrays in smoking areas
3. All external doors except for access/egress and windows shall be kept closed after 22.00 + whilst entertainment is provided
4. The provision of CCTV
5. New double glazed doors fitted to rear exits.

e) The protection of children from harm

1. Staff training
2. BHAB telephone course for staff
3. No proof, no sale on alcoholic beverages
4. No under 21 policy in wine bar



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 Martin [Signature]

Date 24 July 09

Capacity Premises Licence Holder

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

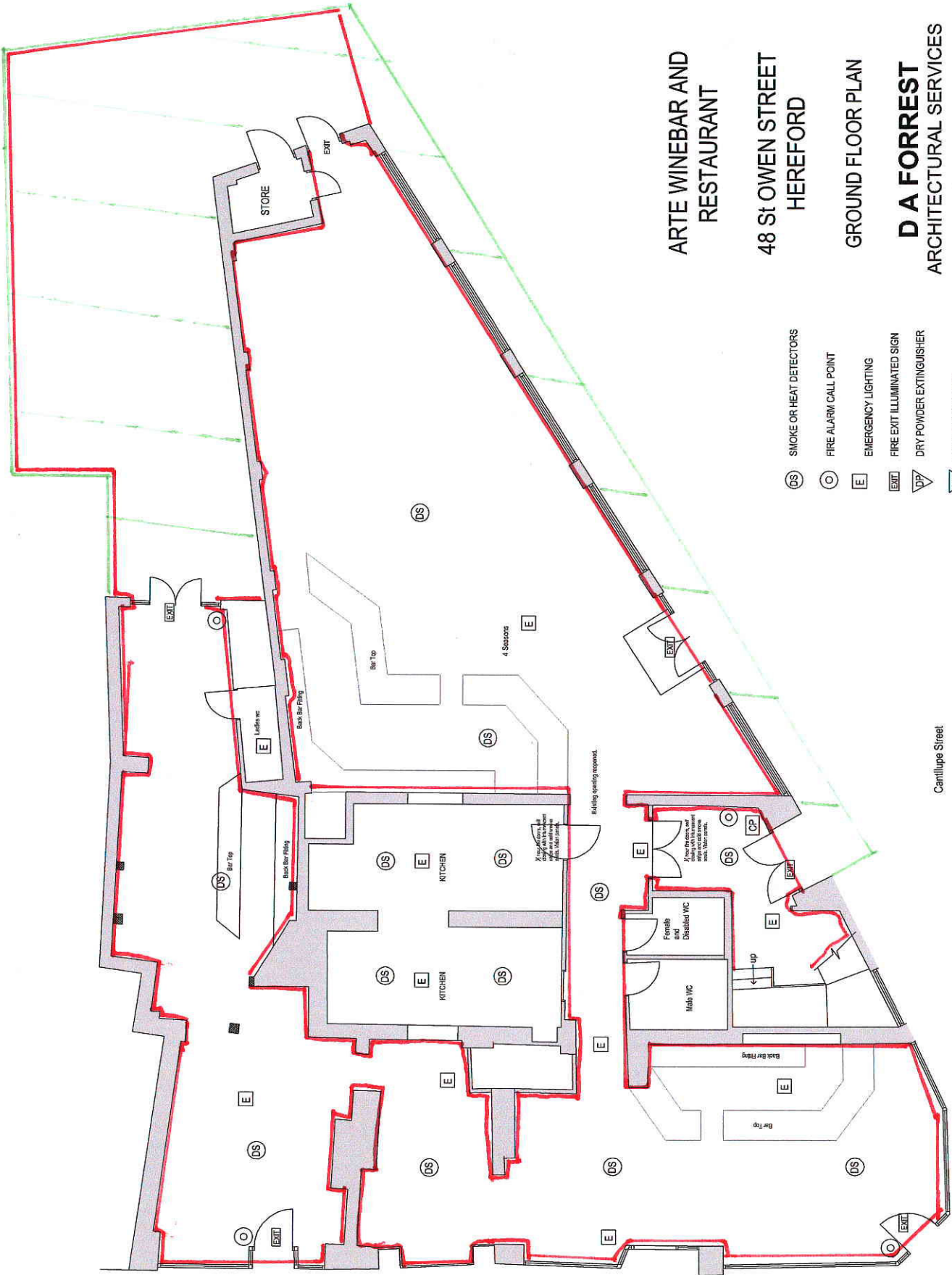
Signature .....

Date .....

Capacity .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>	
48-50 St Owens Street	
Post town <u>Hereford</u>	Post code <u>HR1 2P4</u>
Telephone number (if any) <u>01432 343400</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

martin@arte-restaurant.co.uk



**ARTE WINEBAR AND RESTAURANT**  
**48 St OWEN STREET**  
**HEREFORD**

**GROUND FLOOR PLAN**

**D A FORREST**  
**ARCHITECTURAL SERVICES**

Court Cottage, Bartestree, Hereford, HR1 4DA

01432 851543

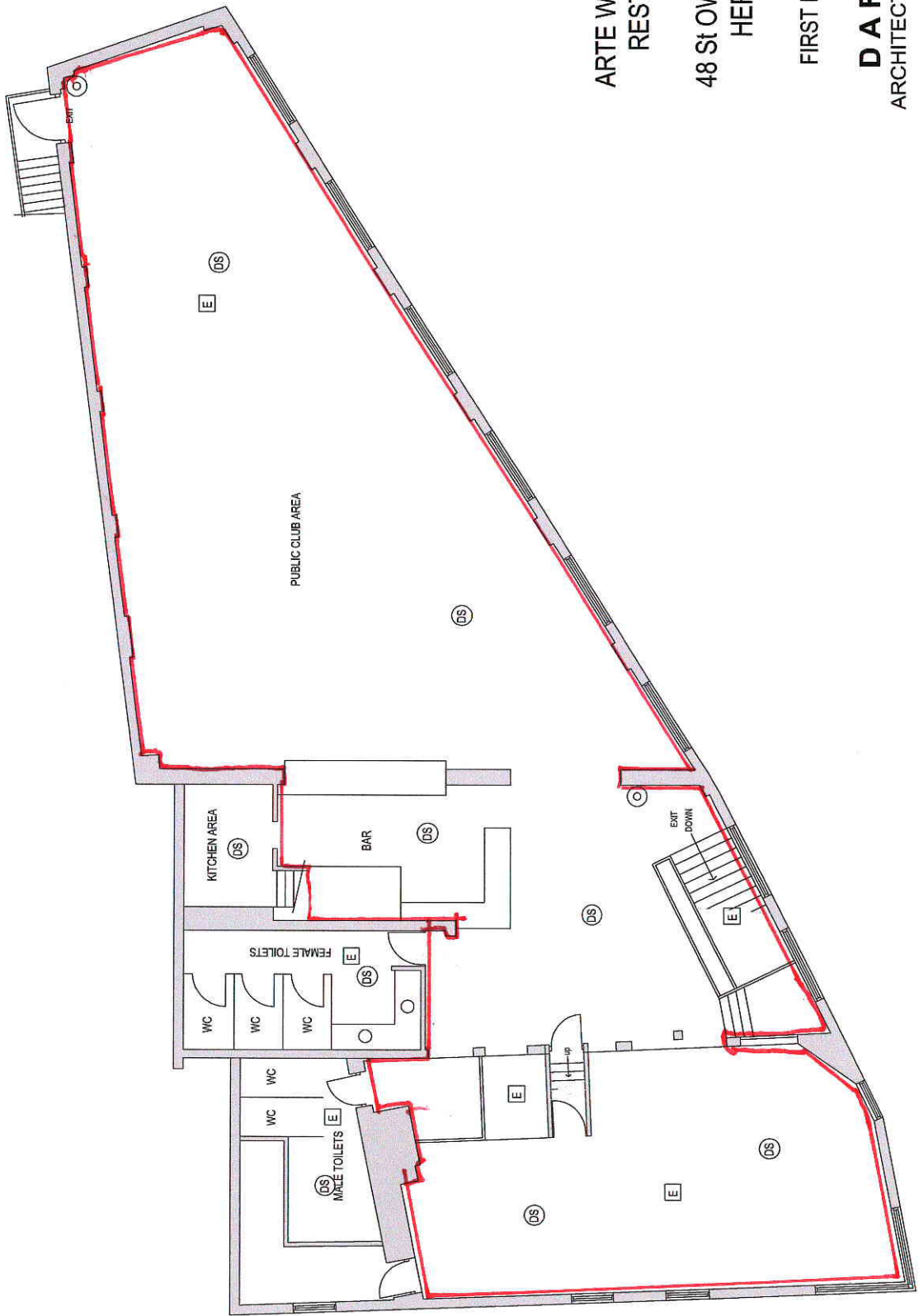
Scale **1:100** Date **October '08**

- SMOKE OR HEAT DETECTORS
- FIRE ALARM CALL POINT
- EMERGENCY LIGHTING
- FIRE EXIT ILLUMINATED SIGN
- DRY POWDER EXTINGUISHER
- CO2 EXTINGUISHER
- WATER EXTINGUISHER
- FIRE ALARM PANEL

Canillupe Street

*Handwritten notes:*  
□ = Licenceable activity  
□ = Smoking area

St Owen Street



ARTE WINEBAR AND RESTAURANT  
48 St OWEN STREET  
HEREFORD

FIRST FLOOR PLAN

**D A FORREST**  
ARCHITECTURAL SERVICES

Court Cottage, Bartestree, Hereford, HR1 4DA

01432 851543

Scale 1:100 Date October '08





## MEMORANDUM

To : LICENSING OFFICER, LICENSING SECTION

From : ARIS TREZINS ENVIRONMENTAL PROTECTION MANAGER,  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261765 My Ref :

Date : 24th August 09 Your Ref :

**LICENSING ACT 2003**  
**APPLICATION FOR A NEW PREMISES LICENCE**  
**ARTE , ST OWENS STREET HEREFORD**

**LICENSING ACT 2003**  
**APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE**

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

Representation	Industry Guidance
<p>PREVENTION OF CRIME &amp; DISORDER No comment</p>	
<p>PUBLIC SAFETY No comment</p>	
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly</p> <p>The licensee shall ensure as far as reasonably practicable that patrons leave the premises and the immediate vicinity in an orderly and sociable manner.</p> <p>A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises.</p> <p>All external windows and doors shall be kept closed, except for access, when amplified sound or music is provided on the premises. All windows and doors to the premises shall be maintained in a good state of repair.</p>	

<p>A sound limiting/cut out device must be installed, maintained in full working order and be used each time entertainment is provided in the [entertainment area].The level at which the device operates must be agreed with the Councils' Environmental Health officer.</p>	
<p>PROTECTION OF CHILDREN FROM HARM Challenge 25 should be employed.</p>	

A, Trezins  
Environmental Protection Manager

**ARIS TREZINS  
ENVIRONMENTAL PROTECTION MANAGER  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

**HEREFORDSHIRE COUNCIL  
Licensing Act 2003**

**REPRESENTATION FORM – INTERESTED  
PARTIES**

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

When completing this form please print clearly and legibly.

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
County Offices,  
PO Box 233,  
Bath Street, Hereford,  
HR1 2ZF  
licensing@herefordshire.gov.uk**

<b>Your Name:</b> <i>A. D. HIGTON</i>	<b>Contact Telephone No.</b> <i>01432 273985</i>
<b>Address:</b> <i>33 CASTLE STREET HEREFORD HR1 2NW</i>	<b>E-mail address:</b> <i>desmond.higton@btinternet.com</i>
	<b>Please state your interest in the premises you are making a representation about:</b> eg <i>Chairman of local residents' association</i>
<b>Name &amp; Address of premises you are making a representation about:</b> <i>ARTIE RESTAURANT - 48 ST OWEN ST / 1 CANTILUPE ST HEREFORD, HR1 2NW</i>	

**DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing .**

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

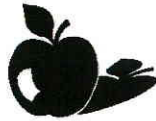
<b>To Prevent Crime &amp; Disorder</b>	—
<b>Public Safety</b>	—
<b>To Prevent Public Nuisance</b>	<i>SEE ACCOMPANYING REPRESENTATION FORM – INTERESTED PARTIES</i>
<b>To Protect Children from Harm</b>	—

HEREFORDSHIRE LICENSING SECTION  
(HEREFORD)  
**26 AUG 2009**  
TO:

Signed: *A. D. Higton*  
Date: *26 August 2009*  
ELI REPRES – 1 Representation Form – Interested Parties

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105





HEREFORDSHIRE  
COUNCIL

**Representation Form – Interested Parties**  
**Suggested Conditions**

Premise: ANTE RESTAURANT Your name: A. D. L. HIGTON  
48 STOWENS ST. / CANTILUPE ST. HEREFORD

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

<p><b>To Prevent Crime and Disorder</b></p> <p>—</p>	
<p><b>Public Safety</b></p> <p>—</p>	
<p><b>Prevent Public Nuisance</b> APPLICATION SHOULD BE ALLOWED BUT AMPLIFIED SOUND, DANCING AND ANY OTHER NOISY ACTIVITY SHOULD BE CONFINED TO THE SHADED AREAS IN THE ACCOMPANYING PLANS TO MINIMIZE THE NUISANCE ESPECIALLY TO RESIDENTS IN CANTILUPE STREET</p>	
<p><b>Protect Children from Harm</b></p> <p>—</p>	

Signed: A. D. L. HIGTON

Date: 21st August 2009

Chairman of Castle St and District Residents' Association

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



HEREFORDSHIRE COUNCIL  
Licensing Act 2003

REPRESENTATION FORM – INTERESTED  
PARTIES

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

When completing this form please print clearly and legibly.

Please return this form, and any additional information within the statutory period to:  
The Licensing Section,  
County Offices,  
PO Box 233,  
Bath Street, Hereford,  
HR1 2ZF  
licensing@herefordshire.gov.uk

Your Name: <i>Richard Branczik</i>	Contact Telephone No. <i>01432 555 460</i>
Address: <i>1 Cantelope Street Hereford HR1 2NH</i>	E-mail address: <i>richard@branczik.co.uk</i>
	Please state your interest in the premises you are making a representation about: eg local resident/local business <i>local resident</i>
Name & Address of premises you are making a representation about: <i>48-50 St Owen's Street</i>	

DATA PROTECTION ACT 1998. Please indicate by ticking here .... if you are not content for your personal details to be circulated as necessary prior to any hearing .

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder	
Public Safety	
To Prevent Public Nuisance <i>See attached letter</i>	<div style="border: 1px solid black; padding: 5px; width: fit-content;">             EH &amp; TS / LICENSING SECTION              24 AUG 2009              TO:           </div>
To Protect Children from Harm	

Signed: *R Branczik*

Date: *24th August 2009*

ELI REPRE – 1 Representation Form – Interested Parties

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

1

01432 355 460

1 Cantilupe Street  
Hereford HR1 2NU

Monday 24<sup>th</sup> August 2009

The Licensing Section  
County Offices  
PO Box 233  
Bath Street  
Hereford HR1 2ZF

Dear Sir or Madam,

Licensing Application 48-50 St Owen's Street

I have been told that this new application was initiated by the Licensing Department so that the three current licences for 48-50 St Owen's Street can be combined into one.

These licences differ in what is permitted in the parts of the building to which they variously refer. I am therefore concerned that the limits recommended by council officers themselves on the first floor when it was occupied by The Liquid Lounge are now to be rescinded in the course of this licence rationalisation.

Yours faithfully,



Richard Branczik





HEREFORDSHIRE  
COUNCIL

**Representation Form – Interested Parties**  
**Suggested Conditions**

Premise: 40-50 ST OWEN'S STREET Your name: Richard Branezik

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<b>Prevent Public Nuisance</b> <i>Retention of existing restrictions</i>
<b>Protect Children from Harm</b>

Signed:

*Richard Branezik*

Date:

*24th August 2009*

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



HEREFORDSHIRE COUNCIL  
Licensing Act 2003

REPRESENTATION FORM – INTERESTED  
PARTIES

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

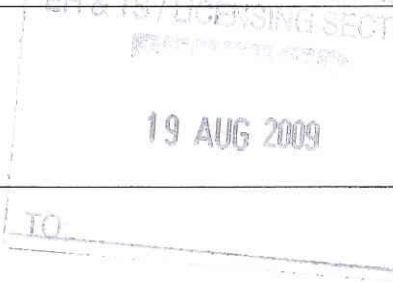
When completing this form please print clearly and legibly.

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,**  
County Offices,  
PO Box 233,  
Bath Street, Hereford,  
HR1 2ZF  
licensing@herefordshire.gov.uk

Your Name: JOHN WILLIAMS	Contact Telephone No. 01223 353356
Address: (ax givox) 39 SEARLE STREET CAMBRIDGE CB4 3DB	E-mail address: john.williams14@aol.com Please state your interest in the premises you are making a representation about: OWNER OF 2 ST ETHELBERG STREET OPPOSITE ARTE RESTAURANT
Name & Address of premises you are making a representation about: ARTE RESTAURANT, ST. OWEN STREET	

DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing .

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder	
Public Safety	
To Prevent Public Nuisance From past bitter experience, we know that the acoustics of the area are such that close proximity of amplified music to residential accommodation, as a latish hour, especially if a young family is resident, make coexistence incompatible.	
To Protect Children from Harm	

Signed: John M. Williams  
Date: 13. VIII. 09

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

**HEREFORDSHIRE COUNCIL**  
Licensing Act 2003

**REPRESENTATION FORM – INTERESTED PARTIES**

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

**When completing this form please print clearly and legibly.**

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,**  
County Offices,  
PO Box 233,  
Bath Street, Hereford,  
HR1 2ZF  
licensing@herefordshire.gov.uk

<b>Your Name:</b> Anne Cottringer	<b>Contact Telephone No.</b> 01432 355460
<b>Address:</b> 1 Cantilupe St. Hereford HR1 2NU	<b>E-mail address:</b> anne@cantilupe.demon.co.uk <b>Please state your interest in the premises you are making a representation about:</b> eg local resident/local business Local resident
<b>Name &amp; Address of premises you are making a representation about:</b> Ante Winebar & Restaurant 48-50 St. Owen Street HR1 2PU	

**DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing .**

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<b>To Prevent Crime &amp; Disorder</b>	EH & IS / LICENSING SECTION 24 AUG 2009 TO:
<b>Public Safety</b>	
<b>To Prevent Public Nuisance</b> Please see attached letter.	
<b>To Protect Children from Harm</b>	

Signed: A. Cottringer  
Date: 22/9/09

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



Anne Cottringer  
1 Cantilupe Street  
Hereford  
HR1 2NU

Tel: 01432 355 460  
Mob: 0798 504 2357  
email: [anne@cantilupe.demon.co.uk](mailto:anne@cantilupe.demon.co.uk)

19/8/09

The Licensing Section  
County Offices  
PO Box 233  
Bath Street Hereford  
HR1 2ZF

Re: Arte Winebar & Restaurant  
48-50 St. Owen Street

We have been informed by the owner of Arte Winebar & Restaurant on St. Owen Street that the council has approached him and asked him to consolidate into one licence the three licences that presently apply to premises. However, the licences are contradictory. The licence which applies to the premises along Cantilupe Street (which is now a restaurant downstairs and a function room upstairs) was granted after a long and hard fought campaign by local residents to limit the hours and the music. The new licence will overturn that licence and therefore those limits.

What particularly concerns me, living next to the premises, is that the new licence will allow amplified music in the entire premises, which means the restaurant and function room can be used for music. These areas are not properly sound-proofed and music played in those areas can be heard in the street and from inside our house. The licence granted only two years ago which deals with the problem of music in that part of the building will now be overturned if the new licence application is allowed.

I think this is anomaly which needs to be addressed.

Yours sincerely,



Anne Cottringer





**Representation Form – Interested Parties  
Suggested Conditions**

Premise: Arte Winebar + Restaurant Your name: A. Cottringer

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<b>Prevent Public Nuisance</b>  <i>Please see attached letter.</i>
<b>Protect Children from Harm</b>

Signed:

Date:

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



21 AUG 2009

Pauline Watmore  
6 St Owen Gate  
Hereford  
HR1 2QA

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

20<sup>th</sup> August 2009

To Licensing Committee

**Re: Arte wine bar 48-50 St Owens Street.**

I am a regular customer to Arte and visit with friends, my partner, my dog and even alone. It is a great place that is very professionally run. I have also attended a wedding in the function suite.

I don't frequent pubs which leaves me very little option in Hereford. It is therefore with pleasure that I support their licence application.

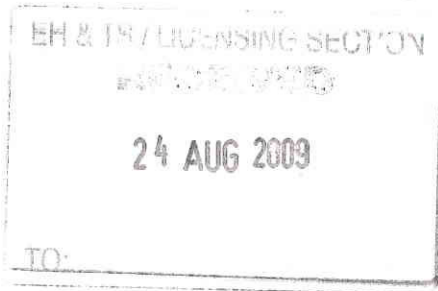
Should you need any further information please do contact me.

Yours Sincerely



Pauline Watmore  
Employment Development Officer  
Herefordshire Council





52B St Owen Street  
Hereford  
HR1 2PU

Dear Sir / Madam

We live in a flat almost above Arte wine bar / Bertys. Living above has never caused me any issues with either noise from the business or customers coming and going. In fact we get more noise from the pub accross the road and passing traffic. With this in mind we would like to support the application for a new licence

Yours Sincerely

Rebecca Willett + Sian Maloney

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

David Rawlings  
24 Green Street  
Hereford  
HR1 2QG

14/08/2009

Dear Sir or Madam

**Arte Restaurant and Bar – licence application**

I am writing in support of the recent licence application posted outside Arte restaurant and bar.

As a local resident, when Arte opened last year I had some pre-concerns about late night noise and disturbance from young revellers but was delighted to find that Arte became established as a smart sophisticated venue catering for a more mature clientele.

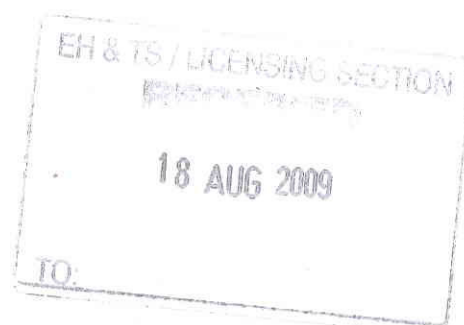
It is a pleasure to be able to enjoy a family friendly venue which caters for my age group (40+) and I feel that the extended licence application will be a welcome and important enhancement for locals and tourists alike.

Please could you take this letter as my formal support for the licence extension for the Arte Restaurant and Bar.

Yours sincerely,



David Rawlings



Licensing Section  
County offices  
Po Box 233  
Bath Street  
Hereford  
HR1 2ZF

52c St Owens Street  
Hereford  
HR1 2PU

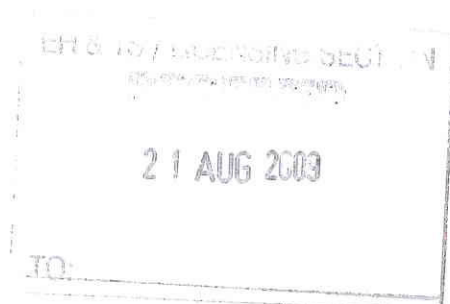
To the licensing committee

As a close neighbour to Arte Wine Bar, I am writing to support their license application. My wife and I go to Arte often as it is a place where older people can go and enjoy themselves.

It is the only venue that truly caters for the mature customer, where I have seen single ladies go and feel at ease. There is often live music, which is a great treat to the Hereford community as there is hardly any adult entertainment of this kind.

Should you require any more information please do not hesitate to contact me on 078273 20862.

MR&MRS THOMPSON



63A St Owens Street  
Hereford  
HR1 2PU



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

Dear Sir

*I live opposite Arte Wine Bar on St. Owens Street and have been asked by the owner if I have any objections to their recent licence application.*

*This is to confirm that although I do not visit the premises as a customer, I am in full support of their application and hope that it will be granted.  
It is much better run now, cleaner and quieter than when it was Doodies.*

*Living so close I would not want to see the premises closed again.*

Yours truly,

BENJAMIN C. PLASM



**MJ & SE Griffin**  
**10 St Ethelbert Street**  
**Hereford HR1 2NR**  
**Tel: 01432 353049**

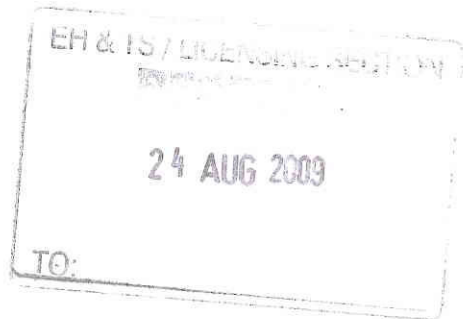
**07798 653676**

[susan.e.griffin5@btinternet.com](mailto:susan.e.griffin5@btinternet.com)

Licensing Section  
County Offices  
POB 233  
Bathe Street  
Hereford HR1 2ZF

19<sup>th</sup> August 2009

**Attention Ms J Lyndon-Jones**



Dear Ms Lyndon-Jones

**Re: Licensing Application relating to Arte (Miro Catering Ltd)**

As local residents, we would like to write in support of the above application; however, we are aware that on occasion the immediate neighbours have been disturbed by loud music. To ensure harmony between Arte and the neighbours we would welcome music being restricted to the areas that front St Owen Street, until such times as the sound-proofing is improved, and that it is played at a reasonable level.

My immediate neighbours, Mr Max and Mrs Theresa Houghton (8 St Ethelbert Street) are currently on holiday; they have asked me to include their support for Arte with the same proviso that music is restricted to the front rooms of the building (facing St Owen Street) unless the sound-proofing is improved and the level of noise takes into consideration the neighbours.

Yours sincerely,

Susan Griffin

Michael Griffin





**Environment**  
Graham Dunhill

Mr Martin Shaw  
2 Armada Court  
East Bracklesham Drive  
Bracklesham Bay  
PO20 8JS

Your Ref:  
Our Ref: PR00178  
Please ask for: Licensing assistant  
Direct Line/Extension: 01432 260105  
Fax: 01432 383142  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

31 October 2007

Dear Mr Shaw,

**LICENSING ACT 2003  
APPLICATION TO TRANSFER THE PREMISES LICENCE HOLDER AND DPS  
LICENCE NUMBER - PR00178**

**DOODIES, 48/50, ST OWEN STREET, HEREFORD, HR1 2PU**

Please find enclosed, your Premises Licence and Conditions for the above premises.

You should read the terms and conditions of your licence thoroughly and ensure that you comply with them at all times. The summary must be displayed prominently at the premises and the holder of the premise licence must keep the licence or a certified copy of the licence at the premises. The holder of the premises licence may nominate in writing a person working at the premises to be the holder of the licence, this written nomination must also be displayed with the licence summary in a prominent position on the premises.

You are advised that Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

As the premises to which the enclosed licence relates is authorised to supply alcohol,

It is also an offence under section 140 of the above Act to allow disorderly conduct on licensed premises, which on summary conviction carries a fine of up to (level 3) £1,000.

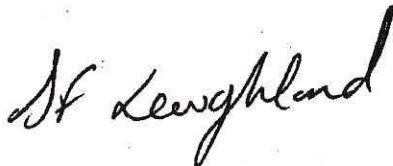
You should also be aware of the following offences under the Licensing Act 2003:



Section of the Act	Summary of the Offence	Maximum fine (on summary conviction)
141	Sale of alcohol to a person who is drunk	£1000 (level 3)
142	Obtaining alcohol for a person who is drunk	£1000 (level 3)
143	Failure to leave licensed premises etc.	£200 (level 1)
144	Keeping of smuggled goods	£1000 (level 3)
145	Unaccompanied children prohibited from certain premises	£1000 (level 3)
146	Sale of alcohol to children	£5000 (level 5)
147	Allowing the sale of alcohol to children	£5000 (level 5)
148	Sale of liquor confectionery to children under 16	£500 (level 2)
149	Purchase of alcohol by or on behalf of children	The individual £1000 (level 3) The provider £5000 (level 5)
150	Consumption of alcohol by children	The individual £1000 (level 3) The provider £5000 (level 5)
151	Delivering alcohol to children	£5000 (level 5)
152	Sending a child to obtain alcohol	£5000 (level 5)
153	Prohibition of unsupervised sales by children	£200 (level 1)

If, having read the terms and conditions of your licence, you are in any doubt as to their meaning or how you should be complying with them, you should contact me on the telephone number at the head of this letter for further advice.

Yours Sincerely



**SUZANNE LAUGHLAND  
LICENSING MANAGER  
LICENSING SECTION  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**



**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number PR00178 (Conversion)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>DOODIES 48/50 ST OWEN STREET</b>	
Post town <b>HEREFORD</b>	Postcode <b>HR1 2PU</b>
Telephone number <b>01432 269974</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Provision of regulated entertainment</b> 1. <b>A performance of live music</b> 2. <b>Any playing of recorded music</b> <b>Provision of entertainment facilities</b> 3. <b>Dancing</b> <b>Provision of refreshment or alcohol</b> 4. <b>Sale by retail of alcohol</b>
--

The times the licence authorises the carrying out of licensable activities <b>For regulated entertainment and facilities listed above</b> <b>Mondays to Saturdays 11:00 – 23:30</b>  <b>Sale by Retail of Alcohol</b> <b>Café Bar - only</b> a) <b>On weekdays, other than Christmas Day, Good Friday or New Years Eve, 10 a.m. to 11pm</b> b) <b>On Sundays, other than Christmas Day or New Years Eve, 12 noon to 10.30 p.m.</b> c) <b>On Good Friday, 12 noon to 10.30 p.m.</b> d) <b>On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</b> e) <b>On New Years Eve on a Sunday, 12 noon to 10.30 p.m</b> f) <b>On New Years Eve (except Sunday) from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</b>  <b>Restaurant- only</b> 1. <b>On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12midnight.</b> 2. <b>On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</b> 3. <b>On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm</b> 4. <b>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</b>
---

The opening hours of the premises

**Restaurant open 18:00 – 00:00**  
**Café Bar open 10:00 – 23:20**

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

## Part 2

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

**Martin Robert Shaw**  
**2 Armada Court**  
**East Bracklesham Drive**  
**Bracklesham Bay**  
**PO20 8JS**  
**Tel: 07714937227**

Registered number of holder, for example company number, charity number (where applicable)

**Not Applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Roland Anthony Pearton**  
**4 Manor Drive**  
**Lower Sunbury**  
**Middlesex**  
**TW16 6PB**

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

**Licence number: 07/00371/LAPER**  
**Issuing authority: Spelthorne Borough Council**

## Annex 1 - Mandatory conditions

### Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.



## Annex 2 - Conditions consistent with the operating Schedule

### Licensing conditions / objectives

#### Restaurant licence

1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.
2. Suitable beverages other than intoxicating liquor (including water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

#### On Licence

Alcohol shall not be sold or supplied except during permitted hours [shown above].  
Table meals to be available (substantial refreshment)  
No Off Sales

#### Public Entertainment Licence

##### General

- 1.1 In undertaking any or all of the conditions, the licensee(s) shall comply with all reasonable requests of the Police, the Fire Authority and the Licensing Authority's Officers.
- 1.2 The licensee(s) shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.
- 1.3 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose (who must not be a person under the age of 18) shall be present at the premises during the whole time that they are open to the public.
- 1.4 Such written nomination shall be available for inspection by the Licensing Authority's Officers at all times .
- 1.5 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall not be engaged on any duties that will prevent him/her from exercising general supervision.

##### Stewards and Door Supervisors

- 2.1 The minimum number of visually identifiable stewards shall be 3.
- 2.2 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, must ensure that the required number of stewards or door supervisors is present on the premises for the duration of the event and that they are clearly identifiable.
- 2.3 Where the Licensee(s) determines that the number of persons attending the premises for a particular event is less than the permitted maximum number, he/she/they may reduce the number of stewards or door supervisors that must be in attendance. When considering such reductions they shall calculate the number of stewards/door supervisors by using the following method:  
For every 250 persons attending the event (or part of 250) there must be one steward/door supervisor.  
In addition, where there are less than 100 persons on a floor or tier, one steward/door supervisor per floor.  
Where the number exceeds 100, two stewards/door supervisor per floor .
- 2.4 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall maintain a register of stewards or door supervisors kept on the premises showing the names and addresses of the stewards/door supervisors, and shall be signed by the



stewards/door supervisors before the event commences.

2.5 The register is to be made available for inspection by Officers of the Fire Authority, Police or Licensing Authority.

2.6 The Licensee(s) shall inform the Licensing Authority if it is to use stewards as door supervisors (i.e. to decide upon the suitability of customers to be allowed onto those premises, and/or to maintain order, in addition to safety related functions). The Licensing Act 2003 requires that door supervisors must be licensed by the Security Industry Authority. For further details contact the Licensing Officer.

#### Dates and hours of opening

3.1 Premises licensed shall only be opened and used for any of the said purposes on such days or dates and during such hours as the premises licence permits.

#### Numbers of persons

4.1 The maximum number of persons admitted to the premises shall be **120**.

4.2 The licensee(s) must ensure that the number of patrons attending on the premises does not exceed the permitted maximum number of persons as specified in the premise licence.

4.3 The premises shall not be used for a closely seated audience except in accordance with plans submitted by the Licensee(s) and approved by the Licensing Authority.

#### Powers of entry

5.1 Representatives of the Fire Authority and Police and authorised officers of the Licensing Authority shall be allowed at all times to enter the Licensed premises in order for them to execute their duties and in particular ensuring compliance with the these and any other relevant conditions.

#### Right to Modify

6.1 The Licensing Authority reserves the rights, from time to time, to exclude, modify, vary, or add to any of these conditions.

#### Special Conditions

7.1 The Licensing Authority may impose such special conditions, as it thinks fit, on the grant, renewal or variation of any Licence. Such special conditions will, if imposed, be contained within an annex attached to the licence.

#### Hypnotism

8.1 The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism without the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent. The special conditions relating to the regulation of exhibitions, demonstrations or performances of hypnotism are available on request.

#### Noise from Entertainment

9.1 The Licensee(s) shall have regard to the effects of sound levels from any amplified sound systems used in connection with an event(s) and shall take all reasonable steps to minimise the chances of complaints arising .

#### Conduct at Premises

10.1 Public order shall be maintained on the premises during the entertainment and the behaviour of any patrons attending functions must not be permitted to present a danger or threat to order.

10.2 The licensee(s) must, as far as is reasonably possible, ensure that patrons leaving the premises do so in an orderly manner and that they do not cause annoyance/disturbance to occupiers of premises in the vicinity which is likely to give rise to complaint.

10.3 No disorderly conduct shall be permitted at the Licensed premises, or any exhibition, recitation, acting, singing or dancing which is of an obscene character or is offensive.

10.4 No unlawful lottery or game shall be permitted at the licensed premises.

#### Maintenance, Repair and Cleanliness

11.1 All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

11.2 A suitable number of waste bins with close fitting lids shall be provided for housing any waste generated at the premises.

11.3 No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises.

11.4 The licensee(s) must be able to demonstrate at all times compliance with the appropriate safety standards and shall at the request of the Licensing Authority produce for inspection, certificates issued by a suitably qualified person for matters that might include stage safety, lifts, balconies, projection equipment, ceilings, heating and ventilation.

#### Alterations

12.1 Any alterations or additions to the premises whether permanent or temporary, shall be notified to the Licensing Authority prior to the premises being used. Depending upon the circumstances, it may be necessary to make an application for a variation of Premises Licence or a Temporary Events Notice where, for example, a marquee is to be erected or an increase in the number of patrons is sought for a one-off event.

12.2 In the event of emergency repairs being carried out, the Licensing Authority shall be notified immediately. This includes any work on heating, lighting or cooking equipment.

#### Washing and Sanitary Facilities

13.1 Adequate and separate washing and sanitary conveniences shall be provided and maintained for persons of each sex to the satisfaction of the Licensing Authority and shall comply with BS6565:1994 or such other standards as the Licensing Authority may determine in writing.

#### Electrical Installations

14.1 All electric fittings, wiring, and appliances shall be constructed and maintained in a safe condition and to the satisfaction of the Licensing Authority. Any temporary wiring or telecommunications must be safely installed and securely fixed and not present a tripping hazard.

14.2 Unless a determination has been made by an approved electrical contractor and agreed by the Licensing Authority, to the contrary, a periodic inspection of the electrical systems serving the premises shall be carried out by an approved electrical contractor (with reference to and undertaken in accordance with British Standard 7671:1992, and its amendments), at least



annually.

14.3 The results and extent of a Periodic Inspection and Testing on an installation, or any part thereof, in accordance with Chapter 73 of BS7671:1992, shall be recorded on a report by the person carrying out the inspection, and the report shall be provided to the Licensing Authority using the form prescribed by them (reference PEL/PIR1).

14.4 Any matters regarded as requiring action in order to satisfy British Standard 7671:1992, shall be carried out within a timescale given in writing by the contractor.

#### Residual Circuit Devices

15.1 All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.

15.2 The residual circuit device shall be tested on a regular basis in accordance with the manufacturers instructions.

#### Lighting

16.1 Lighting levels inside and, where appropriate, outside the premises, shall be adequately lit during the whole time the premises are being used for any of the said purposes, so as to enable the public to access, egress and move about the premises safely. Subdued levels of lighting shall be permitted only where safety is not compromised and only whilst the entertainment is in progress.

16.2 All parts of the premises especially all passages, courts, corridors and stairways to which the public have access and which lead to the outside of the premises must, in the absence of adequate daylight, be illuminated by the general lighting when the public are present. The general lighting shall be provided by electricity.

16.3 If there is a failure of the general lighting and is not restored within thirty minutes, so that the public cannot access, egress and move about the premises safely, the event shall be terminated and the public evacuated from the premises at the end of that period.

#### First Aid

17.1 Suitable first aid equipment shall be provided and maintained in an accessible position on the premises.

#### Accidents

18.1 Any injury to any person whilst at the licensed premises, which results in hospital treatment becoming necessary, shall be reported to the Licensing Authority within 24 hours of the injury occurring with details confirmed in writing within a further seven days .

#### Compliance with the Fire Authoritys Requirements and Recommendations

19.1 The licensee(s) is responsible at all times for ensuring the safety of public in attendance in the event of fire or other such emergency.

19.2 The licensee(s) shall, unless agreed otherwise in writing with the Licensing Authority, implement in full the requirements and recommendations (if any) of the Fire Authority as detailed in its inspection report before any public entertainment is held within the premises to which the licence relates and shall thereafter promptly implement any further recommendations of the Fire Authority from time to time.

19.3 The Licensee(s) shall comply with any reasonable fire prevention and safety measures that may be required of him/her/them by the Fire Authority or Licensing Authority.

#### Means of Escape

20.1 Adequate means of escape shall be provided and maintained to the satisfaction of the Licensing Authority and Fire Authority.

#### Reporting of Fires

21.1 A written fire and emergency evacuation procedure shall be established and maintained to the satisfaction of the Licensing Authority and Fire Authority.

21.2 Any outbreaks of fire, however slight, whilst the premises are open for public entertainment, must be reported immediately to the Fire Service by dialling 999.

21.3 A notice giving instructions on how to call the Fire Service and indicating the nearest available public telephones shall be prominently displayed in the premises.

#### Fire Procedure

22.1 The Licensee(s) (or nominated representative) shall supervise the escape of persons in the event of fire or other such emergency.

22.2 The Licensee(s) (or nominated representative) will arrange for the fire procedure to be practised by all staff and other attendants at least twice each calendar year and upon employment of new staff.

#### Log Book

23.1 The licensee(s) shall keep a Log Book, and produce for inspection at the request of an authorised officer of the Police, Licensing Authority, or Fire Authority.

23.2 The Log Book shall record the date, time and result of each of the following tests or inspections and be signed by the person responsible:-

- a. inspections by authorised officers of the Licensing Authority, the Fire Authority and the Police;
- b. Fire equipment tests;
- c. Emergency lighting tests;
- d. Fire alarm tests;
- e. Staff fire prevention and emergency procedure training;
- f. Dates and times of practices of the fire procedures and details of the persons taking part.

#### Access for Fire Appliances

24.1 The licensee(s) (or nominated person) should be able to satisfy the Licensing Authority and Fire Authority, when required, that external access can be effectively provided for Fire Authority appliances. The licensee(s) (or nominated person) must ensure that vehicles do not obstruct such access.

#### Fire fighting equipment

25.1 Suitable and sufficient fire fighting equipment shall be maintained to the satisfaction of the Licensing Authority, shall be provided in the premises, located in suitable positions, available for instant use and have been serviced within the last twelve months.



#### Exit Routes and Exit Route Notices

26.1 All exits and exit routes shall be clearly indicated by graphic symbols complying with British Standard 5499:1990 Part I. All such notices and routes shall be subject to the approval of the Licensing Authority and Fire Authority and shall be adequately illuminated and linked to an emergency lighting system.

#### Exit Doors

27.1 The number, size and position of exit doors, gangways and passageways shall be to the satisfaction of the Licensing Authority and the Fire Authority.

27.2 All exit doors and all passageways, gangways, steps and stairways affording access thereto shall be properly maintained and shall be kept entirely free from obstruction and combustible storage at all times in order to allow safe egress from the building.

27.3 Before the public are admitted to any entertainment, the licensee(s) (or nominated person) shall ensure that all exits are unlocked, available for use and that:-

27.4 All exit doors that do not open in the direction of exit e.g. sliding doors, gates and shutters, must be secured in the open position where necessary and suitably signed;

27.5 All removable fastenings, if any, have been removed from other exit doors, gates and shutters and placed in a secure place;

27.6 All panic bolts, if any, have been tested and are in good working order;

27.7 Automatic bolts shall be of such a pattern that horizontal pressure on the cross-bars will open the doors. The cross-bars shall, where practicable, be placed at a height one metre from the bottom of the door. Doors fitted with automatic bolts shall have the words 'PUSH BAR TO OPEN' painted upon them in block letters at least 100mm high.

#### Furniture and Fittings

28.1 Fire resisting doors, walls and associated self-closing devices, ceilings and floors shall be kept in a satisfactory state of repair.

28.2 The licensee(s) shall comply with any reasonable requirement of the Fire Authority with regard to the provision and maintenance of surface finishings on walls, ceilings and partitions, floor coverings and upholstered furniture within the premises and shall allow the Fire Authority to test any furniture, equipment, fittings and similar items, if requested.

28.3 Curtains covering exit doors or across gangways shall be made to part in the centre and shall not obstruct exit signs, emergency lights and manual call points. They shall hang so as to be readily drawn aside and should be at least 100mm above floor level.

28.4 Curtains, safety curtains, hangings, decorations and fabrics shall be inherently flame retardant and comply the relevant British Standards. Those not inherently retardant must be suitably treated to achieve the same standard.

#### Mats and Floor Coverings

29.1 Matting and other floor coverings must be secured in such a manner as not to constitute a danger.

#### Smoking



30.1 There shall be no smoking in any stage/backstage area except so far as may be necessary on stage in connection with a live performance.

#### Explosive and Flammable Substances

31.1 Lamps burning paraffin or other mineral oils shall not be used.

31.2 Any naked light shall be protected by means of an efficient glass or wire globe.

31.3 Gas cylinders, whether natural or liquefied, shall not be used unless the installation is housed externally and fixed pipework is used. Any gas taps shall be secured so far as possible against unauthorised access and flexible piping shall not be used.

31.4 No explosive or highly flammable substance shall be brought into or used on the premises other than an approved supply of mains gas or controlled LPG fuel.

#### Ventilation/Heating

32.1 The premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority. All equipment shall be maintained in a proper working condition and any fuel stored in a safe manner.

32.2 Stoves, open fires and heating appliances shall be effectively fixed and guarded.

33.3 Cylinders or containers of gas under pressure, other than Cellar Gases, shall not be used on the premises except with the prior consent of the Licensing Authority.

33.4 The use of portable cooking or heating appliances shall be subject to the prior consent of the Licensing Authority.

#### Special Effects

34.1 The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

34.2 Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.

34.3 Any lighting or approved special effects shall be installed and maintained by a competent person.

34.4 The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

#### Outbreak of Fire

35.1 Notices shall be displayed detailing the action to be taken in case of fire, in the position of the nearest telephone and the method of calling the Fire Authority.

#### Emergency Lighting

36.1 In addition to general lighting, adequate emergency lighting must be provided to enable members of the public to see their way out of the premises without assistance from the general lighting. Such emergency lighting must be kept lit in the hall, passages and stairways during the

time while the premises are open to the public, or be designed so as to illuminate these area automatically and immediately in the event of the failure of the general lighting system. The lighting to EXIT or WAY OUT signs shall not in any circumstances be extinguished or dimmed while the public is on the premises. The emergency lighting must comply with British Standard BS 5266:1988, Part 1.

36.2 Emergency lighting and all hand lamps shall be maintained in efficient working order and shall be checked weekly. All batteries shall be maintained or changed in accordance with the manufacturers recommendations.

36.3 All switches controlling the emergency lighting shall have marked immediately below them 'Emergency Lighting Only' and be situated in a position inaccessible to unauthorised persons or protected against unauthorised operation.

36.4 No entertainment shall take place until the emergency lighting has been tested and found to be fully operative.

36.5 The licensee(s) (or nominated person) shall ensure that in the event of the failure of an emergency lighting system, members of the public are instructed to leave the premises immediately and not readmitted until the system is operable.

#### People with disabilities

37.1 On those occasions when people with disabilities are present on the premises the licensee(s) shall make an assessment so as to enable all people to leave the premises safely in the event of an emergency. Advice can be sought from the Fire Authority.

#### Gas Meter and Electrical Intake Enclosures

38.1 Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not, shall be kept clear and unobstructed.

#### Gas Appliances

39.1 Any and all gas appliances used in the premises must be regularly and properly maintained by a competent person in accordance with the manufacturers instruction and recommendations at least annually and a record of any such maintenance be kept at the premises and be available for inspection by the Licensing Authority.

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

Not applicable

### **Annex 4 - Plans**

As attached





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

**Premises licence number PR00178 (Conversion)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>DOODIES 48/50 ST OWEN STREET</b>	
Post town <b>HEREFORD</b>	Post code <b>HR1 2PU</b>
Telephone number <b>01432 269974</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Provision of regulated entertainment</b> 1. <b>A performance of live music</b> 2. <b>Any playing of recorded music</b> <b>Provision of entertainment facilities</b> 3. <b>Dancing</b> <b>Provision of refreshment or alcohol</b> 4. <b>Sale by retail of alcohol</b>
--

The times the licence authorises the carrying out of licensable activities <b>For regulated entertainment and facilities listed above</b> <b>Mondays to Saturdays 11:00 – 23:30</b>  <b>Sale by Retail of Alcohol</b> <b>Café Bar - only</b> g) <b>On weekdays, other than Christmas Day, Good Friday or New Years Eve, 10 a.m. to 11pm</b> h) <b>On Sundays, other than Christmas Day or New Years Eve, 12 noon to 10.30 p.m.</b> i) <b>On Good Friday, 12 noon to 10.30 p.m.</b> j) <b>On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</b> k) <b>On New Years Eve on a Sunday, 12 noon to 10.30 p.m</b> l) <b>On New Years Eve (except Sunday) from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</b>  <b>Restaurant- only</b> 4. <b>On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12midnight.</b> 5. <b>On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</b> 6. <b>On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm</b> 4. <b>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</b>
---

The opening hours of the premises

**Restaurant open 18:00 – 00:00**  
**Café Bar open 10:00 – 23:20**

Name, (registered) address of holder of premises licence

**Martin Robert Shaw**  
**2 Armada Court**  
**East Bracklesham Drive**  
**Bracklesham Bay**  
**PO20 8JS**  
**Tel: 07714937227**

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

**Off the premises**

Registered number of holder, for example company number, charity number (where applicable)

**4416931**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**MR ROLAND ANTHONY PEARTON**

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

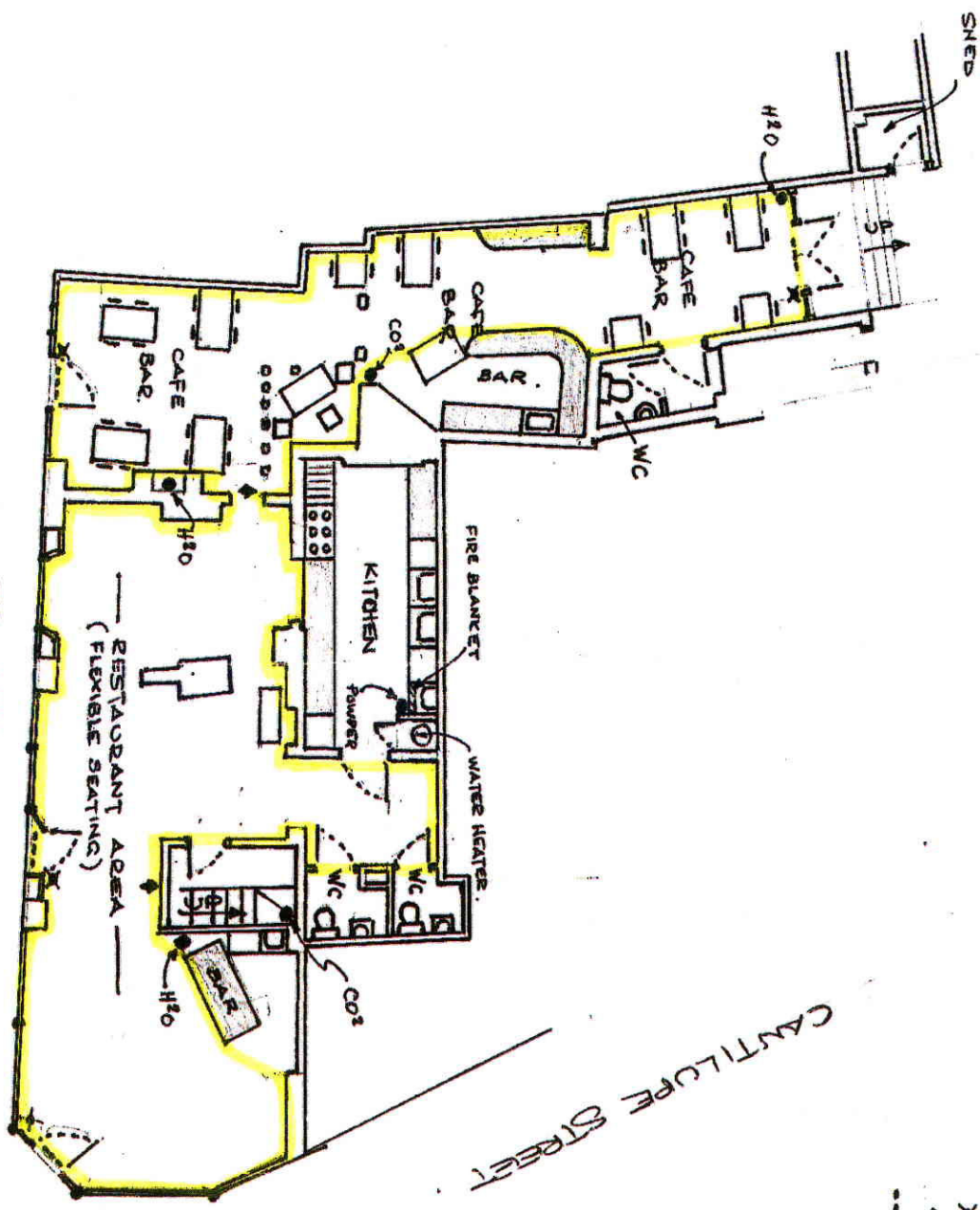
**Restricted**  
**Licensing Conditions/Objectives: Not applicable**



DOODIES RESTAURANT AND CAFE BAR 48/50 & 5a ST OWEN STREET SCALE: 1:100 DRAWN:- S.I. DAVIES.

GROUND FLOOR PLAN.

ST. OWEN STREET



- - FIRE EXTINGUISHER. (6N<sup>2</sup>)
- X - BREAK GLASS FIRE ALARM (4N<sup>2</sup>)
- ◆ - FIRE BELL. (2N<sup>2</sup>)
- ... - FIRE EXIT SIGNS. (4N<sup>2</sup>)



file  
copy

**Environment**  
Michael Hainge

Mr Martin Shaw  
14-15 Union Street  
Hereford  
HR1 2BT

Your Ref: PR01274  
Our Ref: Licensing assistant  
Please ask for: 01432 260105  
Direct Line/Extension: 01432 383142  
Fax: 01432 383142  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

30 April 2008

Dear Sir/Madam

**LICENSING ACT 2003  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE  
LICENCE NUMBER - PR01274**

**Miro Catering , 48-50 St. Owen Street, Hereford, HR1 2PU**

Please find enclosed, your Premises Licence and Conditions for the above premises.

You should read the terms and conditions of your licence thoroughly and ensure that you comply with them at all times. The summary must be displayed prominently at the premises and the holder of the premises licence must keep the licence or a certified copy of the licence at the premises. The holder of the premises licence may nominate in writing a person working at the premises to be the holder of the licence, this written nomination must also be displayed with the licence summary in a prominent position on the premises.

You are advised that Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

As the premises to which the enclosed licence relates is authorised to supply alcohol,

It is also an offence under section 140 of the above Act to allow disorderly conduct on licensed premises, which on summary conviction carries a fine of up to (level 3) £1,000.

You should also be aware of the following offences under the Licensing Act 2003:



Section of the Act	Summary of the Offence	Maximum fine (on summary conviction)
141	Sale of alcohol to a person who is drunk	£1000 (level 3)
142	Obtaining alcohol for a person who is drunk	£1000 (level 3)
143	Failure to leave licensed premises etc.	£200 (level 1)
144	Keeping of smuggled goods	£1000 (level 3)
145	Unaccompanied children prohibited from certain premises	£1000 (level 3)
146	Sale of alcohol to children	£5000 (level 5)
147	Allowing the sale of alcohol to children	£5000 (level 5)
148	Sale of liquor confectionery to children under 16	£500 (level 2)
149	Purchase of alcohol by or on behalf of children	The individual £1000 (level 3) The provider £5000 (level 5)
150	Consumption of alcohol by children	The individual £1000 (level 3) The provider £5000 (level 5)
151	Delivering alcohol to children	£5000 (level 5)
152	Sending a child to obtain alcohol	£5000 (level 5)
153	Prohibition of unsupervised sales by children	£200 (level 1)

If, having read the terms and conditions of your licence, you are in any doubt as to their meaning or how you should be complying with them, you should contact me on the telephone number at the head of this letter for further advice.

Yours Sincerely



**SUZANNE LAUGHLAND  
LICENSING MANAGER  
LICENSING SECTION  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**





**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number PR01274 (Permanent)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Miro Catering 48-50 St. Owen Street</b>	
Post town <b>Hereford</b>	Postcode <b>HR1 2PU</b>
Telephone number <b>07515 799993</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Provision of regulated entertainment</b> 1. <b>Performance of a play (Indoors)</b> 2. <b>An exhibition of a film (Indoors)</b> 3. <b>A performance of live music (Indoors)</b> <b>Provision of refreshment or alcohol</b> 4. <b>Provision of late night refreshment (Indoors)</b> 5. <b>Sale by retail of alcohol (For consumption both on and off the premises)</b>  <b>Further details (Performance of a play)</b> private plays or recitals  <b>Further details (An exhibition of a film)</b> showing of films for private functions  <b>Further details (A performance of live music)</b> a group (2-3 people),guitarist,bongo,piano,vocalist,guitarist. Unamplified music only
--

The times the licence authorises the carrying out of licensable activities <b>Performance of a play</b> Monday-Saturday: 10:00 - 23:00 Sunday: 10:00 - 22:30 <b>An exhibition of a film</b> Monday-Sunday: 10:00 - 23:00 <b>A performance of live music</b> Monday-Sunday: 10:00 - 22:30 <b>Provision of late night refreshment</b> Monday-Saturday: 23:00 - 23:30 <b>Sale by retail of alcohol</b> Monday-Saturday: 10:00 - 23:30 Sunday: 10:00 - 22:00  <b>Non standard timings: None</b>  <b>Seasonal variations: None</b>
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The opening hours of the premises

**Monday-Saturday: 10:00 - 00:00**

**Sunday: 10:00 - 22:30**

**Non standard timings: None**

**Seasonal variations: None**

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

**For consumption both on and off the premises**

## Part 2

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

**Miro Catering Ltd**

**14-15 Union Street**

**Hereford**

**HR1 2BT**

**Telephone: (Day) 07515 799993**

**Email: martinshaw1@hotmail.com**

Registered number of holder, for example company number, charity number (where applicable)

**06347800**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Roland Pearton**

**4 Manor Drive**

**Lower Sunbury**

**Middlesex**

**TW16 6PB**

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

**Licence number: 07/00371/LAPER**

**Issuing authority: Spelthorne Borough Council**



**Annex 1 - Mandatory conditions (remove where necessary)**

(1) Supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(2) Exhibition of films

Admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification body or that body specified in the licence, unless

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section-

'children' means persons aged under 18; and

'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

(3) Door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority.



## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing objectives**

#### **General:**

No opened containers of alcohol to be allowed to be taken off the premises at any time.

Live musical performances to be limited to a maximum of three performers playing at any one time. There to be no form of amplification at any time.

#### **Prevention of Crime:**

Designated premise supervisor

No service to anyone who is drunk or appears to be

No service to anyone who is disorderly or abusive.

HAND (local scheme)- CCTV coverage

#### **Public Safety:**

Emergency exits and lighting provided

The premises shall be adequately ventilated whilst open to the general public.

A current inspection certificate shall be held for electrical installations in accordance with BS 7671 and BS5266-1

#### **Prevention of Public Nuisance:**

Notice to be quiet when leaving the premises

Smoking bins for cigarette butts in smoking area.

All external doors (except for access/egress) and windows shall be kept closed after 22:00 hours whilst entertainment is provided at the premises.

The provision of CCTV that meets the requirements and expectations of the licensing authority and police.

#### **Protection of Children:**

Staff training

BIIAB telephone course for staff with regards to training

No proof, no sale of alcoholic beverages.



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

<b>PREMISES</b>	48 St Owen's Street
<b>APPLICANT'S NAME</b>	Miro Catering Ltd
<b>APPLICATION TYPE</b>	New Premise Licence
<b>PANEL MEMBERS</b>	Councillor Brig P Jones CBE (Chairman) Councillor JW Hope Councillor A Seldon
<b>DATE OF MEETING</b>	Thursday 10th April, 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Mr Kennedy, Mr Branzcick, Mrs Wyllie and Mr Rawlinson, four of the local residents who had made representations in respect of the application, as well as Mr Hammed, Mr Shaw and Mr Pearton supporting the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions below. In reaching their decision, the Members had full regard to the representations (including supporting information) presented by all parties, the guidance issued to local authorities under Section 182 of the Licensing Act 2003, the Herefordshire Council Licensing Policy and the provisions of the Licensing Act 2003. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

**HOURS OF LICENSABLE ACTIVITY**

	<b>Plays and Films</b>	<b>Live music</b>	<b>Late night refreshment</b>	<b>Supply of alcohol</b>	<b>Open to the public</b>
Monday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Tuesday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Wednesday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Thursday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Friday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Saturday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Sunday	1000 - 2230	1000 - 2230		1000 - 2200	1000 - 2230



### **CONDITIONS**

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- Any conditions offered by the applicant under section P of the application form.
- No opened containers of alcohol to be allowed to be taken off the premises at any time.
- Live musical performances to be limited to a maximum of three performers playing at any one time. There to be no form of amplification at any time.

### **NOTES**

- The applications for performance of dance, provision of facilities for dancing, and provision of facilities for making music were REFUSED by the sub-committee.

### **Annex 4 - Plans**

As attached



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

**Premises licence number PR01274 (Permanent)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Miro Catering</b> <b>48-50 St. Owen Street</b>	
Post town <b>Hereford</b>	Post code <b>HR1 2PU</b>
Telephone number <b>07515 799993</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Provision of regulated entertainment</b> 1. <b>Performance of a play (Indoors)</b> 2. <b>An exhibition of a film (Indoors)</b> 3. <b>A performance of live music (Indoors)</b> <b>Provision of refreshment or alcohol</b> 4. <b>Provision of late night refreshment (Indoors)</b> 5. <b>Sale by retail of alcohol (For consumption both on and off the premises)</b>  <b>Further details (Performance of a play)</b> private plays or recitals  <b>Further details (An exhibition of a film)</b> showing of films for private functions  <b>Further details (A performance of live music)</b> a group (2-3 people),guitarist,bongo,piano,vocalist,guitarist. Unamplified music only
--

The times the licence authorises the carrying out of licensable activities

**Performance of a play**

**Monday-Saturday: 10:00 - 23:00**

**Sunday: 10:00 - 22:30**

**An exhibition of a film**

**Monday-Sunday: 10:00 - 23:00**

**A performance of live music**

**Monday-Sunday: 10:00 - 22:30**

**Provision of late night refreshment**

**Monday-Saturday: 23:00 - 23:30**

**Sale by retail of alcohol**

**Monday-Saturday: 10:00 - 23:30**

**Sunday: 10:00 - 22:00**

**Non standard timings: None**

**Seasonal variations: None**

The opening hours of the premises

**Monday-Saturday: 10:00 - 00:00**

**Sunday: 10:00 - 22:30**

**Non standard timings: None**

**Seasonal variations: None**

Name, (registered) address of holder of premises licence

**Miro Catering Ltd**

**14-15 Union Street**

**Hereford**

**HR1 2BT**

**Telephone: (Day) 07515 799993**

**Email: martinshaw1@hotmail.com**

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

**For consumption both on and off the premises**

Registered number of holder, for example company number, charity number (where applicable)

**06347800**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Roland Pearton**



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

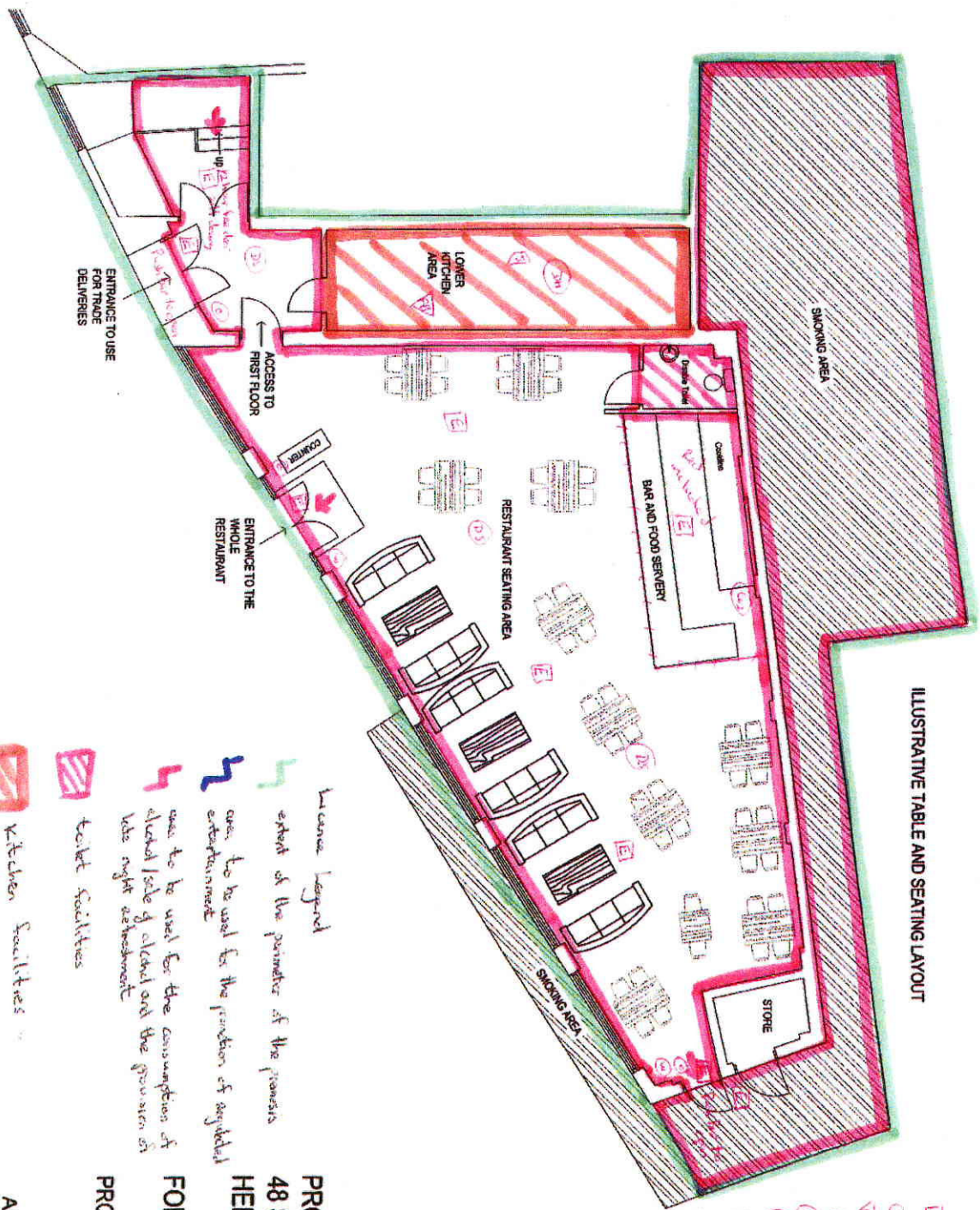
**Licensing Conditions: Not applicable**

**Licensing Objectives:**

**Staff training**

**BIIAB telephone course for staff with regards to training**

**No proof, no sale of alcoholic beverages.**



ILLUSTRATIVE TABLE AND SEATING LAYOUT

- In-situ legend
- extent of the perimeter of the premises
- area to be used for the provision of regulated entertainment
- area to be used for the consumption of alcohol / sale of alcohol and the provision of late night refreshment
- toilet facilities
- kitchen facilities
- Public + staffs exit

- Emergency lighting - standard type cover
- Fire alarm call points
- Fire Blanket
- Fire Alarm
- Fire Extinguisher
- Fire Extinguisher
- Fire Extinguisher
- Fire alarm sounder
- Fire alarm sounder
- Smoke Detector
- Heat Detector
- Fire Alarm Control Panel

PROPOSED RESTAURANT AT  
 48 ST OWEN STREET  
 HEREFORD  
 FOR BINDI (LONDON) LTD  
 PROPOSED GROUND FLOOR PLAN  
 REVISION A  
**D A FOREST**  
 ARCHITECTURAL SERVICES  
 2 Broomy Hill, Hereford, HR4 0LH  
 01432 274694

Scale 1:100 Date Jan '08

ILLUSTRATIVE TABLE AND SEATING LAYOUT



PROPOSED RESTAURANT  
AT 48 ST OWEN STREET,  
HEREFORD

FOR BINDI (LONDON) LTD

PROPOSED 1st FLOOR PLAN  
REVISION A

**D A FORREST**  
ARCHITECTURAL SERVICES

2 Broome Hill, Hereford, HR4 0LH

01432 274694

Scale 1:100 Date JAN '08

