

AGENDA

Regulatory Sub Committee

Date:	Monday 16 November 2009		
Time:	2.00 pm		
Place:	The Council Chamber, Brockington, 35 Hafod Road, Hereford		
Notes:	Please note the time, date and venue of the meeting. For any further information please contact:		
	Ricky Clarke, Democratic Services Officer Tel: 01432 261885 Email: rclarke@herefordshire.gov.uk		

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor SPA Daniels Councillor PJ McCaull Councillor A Seldon

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

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

AGENDA

	AGENDA	
		Pages
1.	ELECTION OF CHAIRMAN	
	To elect a Chairman for the hearing.	
2.	APOLOGIES FOR ABSENCE	
	To receive apologies for absence.	
3.	NAMED SUBSTITUTES (IF ANY)	
	To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4.	DECLARATIONS OF INTEREST	
	To receive any declarations of interest by Members in respect of items on the Agenda.	
5.	APPLICATION FOR A NEW PREMISES LICENCE 'CATS, LEYS HILL, ROSS ON WYE, HR9 5QU.'	1 - 6
	To consider an application for a premises licence in respect of 'CATS', Leys Hill, Ross on Wye, HR9 5QU.	
Backg	ground Papers - CATS - Application Form	7 - 28
Background Papers - CATS - Public Representations		29 - 58
Background Papers - CATS - A3 Colour Map		59 - 60

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- 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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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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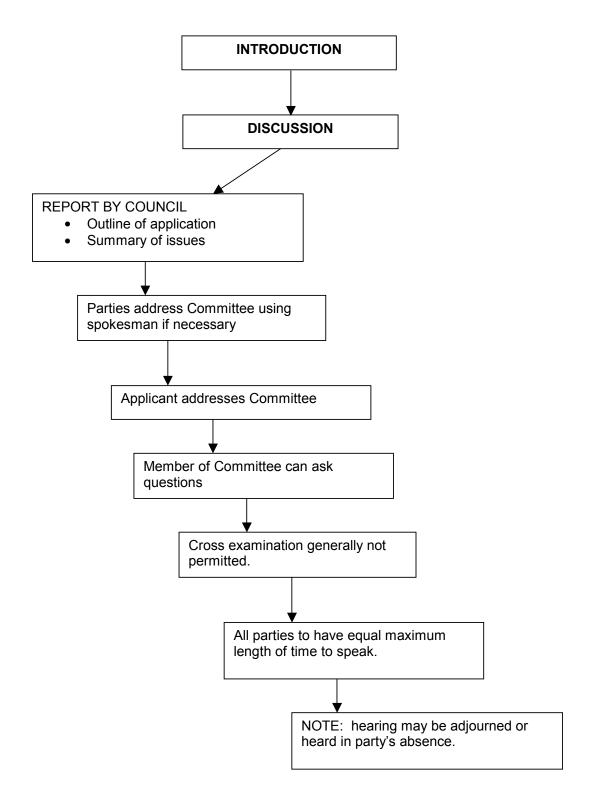
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LICENCING HEARING FLOW CHART





MEETING:	REGULATORY-SUB COMMITTEE
DATE:	16 NOVEMBER 2009
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE FOR 'CATS', LEYS HILL, WALFORD, ROSS ON WYE, HR9 5QU LICENSING ACT 2003
PORTFOLIO AREA:	Report by Head of Environmental Health & Trading Standards ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Kerne Bridge

Purpose

To consider an application for a premises licence in respect of 'CATS', Leys Hills, Ross on Wye, HR9 5QU.

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

- 16 Public Representations against the application
- No Representations from the Responsible Authorities

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

Options

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

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Graham John Mitchell & Stella Louise Mitchell CATS, Leys Hills, Ross on Wye, HR9 5QU.	
Solicitor	N/A	
Type of application: New Application	Date received: 23/09/09	28 Days consultation 21/10/09

Licence Application

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

Summary of Application

8 The application is for live music, recorded music, performance of dance, anything of a similar nature to live/recorded music or performance of dance, provision of 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: -

All licensable activities applied for (except Late Night Refreshment):

All days of the week 09:00 to 01:00

Late Night Refreshment: All days of the week 23:00 to 01:00

- 9 The premises to be open to the public: All days of the week 09:00 to 01:00
- 10 The application applies for non-standard timings as follows:-

Supply of alcohol - persons resident on the premises can be served anytime.

Premises to be open to the public- premises are open 24 hours for residents.

Summary of Representations

- 11 Copies of the representations and suggested conditions can be found within the background papers.
- 12 No representations have been received from any of the Responsible Authorities.
- 13 16 Local residents have made representations against the application.
- 14 These in main address the two licensing objectives of: -
 - Prevention of Public Nuisance, and
 - Protection of Children from Harm.

Key Considerations

- 13 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.
- 14 In relation to the licensing objective of the 'Prevention of Children from Harm', the Licensing Officer draws the attention of the Committee to the Nursery which is attached to the premises.

Community Impact

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

Legal Implications

- 16 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
- 17 The case of Daniel Thwaites PLC v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, before the Honourable Mrs Justice Black.
- 18 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. Licensing authorities may depart from it if they have reason to do so, but will need to give full reasons for their actions.

19 The Committee's attention is drawn to the Guidance issued under Section 182 which states at para 13.65:

"The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such, licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority's planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa".

- 20 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the licensing objectives and that 'real evidence' must be presented to support any reason for imposing these conditions.
- 21 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

"Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives".

22 It was further said in this case that the Licensing Authority have a duty:

"to translate the proposals contained in the operating schedule to promote the licence objectives into clear and understandable conditions".

23 It was also said that;

"For some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation."

- 24 The Committee are also reminded that they should only hear representations which address one of the four licensing objectives and that any representations can only be made by a person who lives or has a business interest within the vicinity of the premises.
- 25 It is possible for the Committee to hear from any person providing that they are representing a person who has made relevant representation and that the Licensing Authority have been notified prior to the hearing of that fact.
- Failure to do follow any of the above could leave the Licensing Authority open to a Judicial Review.
- 27 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).
- 28 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

- 29 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 30 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.
- 31 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. 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

- 33 a. Public Representations
 - b. Application Form
 - c Location Plan

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.

15 SEP

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 GRAHAM & STELLA MITCHELL (Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey n CATS LEYS HILL WALFORD ROSS ON WYE	0	LICENSING SECTION EXCHEMANNESS 9 SEP 2009
HEREFORDSHIRE HR9 5QU Post town ROSS-ON-WYE	TQ: Post code	HR9 SQU

Telephone number at premises (if any)	01600	890	109
Non-domestic rateable value of premises	£ 12,750		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

		Plea	ase licr	k yes		
a)	an i	individual or individuals *	Ø	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 re	ecognised club		please complete section (B)		
d)	аc	harity		please complete section (B)		
				EH & TS / LICENSING SECTION		
		1		23 SEP 2009		

TQ:

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 y	ou are applying as a person described in (a) or (b)	olease	confirm:
			Please tick yes
	I am carrying on or proposing to carry on a busin	iess wł	nich involves the use of

- the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or ³
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr 🔲	Mrs 🔲	Miss 🗌	Ν	ls 🗌		er Title (for nple, Rev)	
Surname	Surname MITCHELL			First na	mes	GRAHI	am John
l am 18 year	s old or ove	r				Plea	ase tick yes
Current postal address if different from premises address							
Post Town						Postcode	
Daytime contact telephone number		016	00 8	390	109		
E-mail addre (optional)	SS	mitch a	cats	fun. c	om		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗌	Mrs 🗹	Miss 🔲	Ms 🗌	Other Title (for example, Rev)	
Surname	MITCHEL	L	First na	mes Stella	Louise
l am 18 ye	ars old or ove	r		Plea	ase tick yes

Current postal address if different from premises address		7			
Post Town				Postcode	
Daytime contact telephone number		01600	890109		
E-mail addre (optional)	SS	mitchalcal	tsfun.com		

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

D	ay	Mo	onth	٦	Yea	ar	
2	0	1	0	2	0	0	9

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

Day	M	onth	Y	ear	
		1	1		
<u> </u>	>			ليصل	

Please give a general description of the premises (please read guidance note1)

Health Spa in Rural location Quines live in site

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

N/A

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

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

Pro	vision of regulated entertainment	Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	Y
f)	recorded music (if ticking yes, fill in box F)	Y
g)	performances of dance (if ticking yes, fill in box G)	I
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	G
Prov	vision of entertainment facilities:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Prov	vision of late night refreshment (if ticking yes, fill in box L)	Y
<u>Sup</u>	ply of alcohol (if ticking yes, fill in box M)	Y
In al	l cases complete boxes N, O and P	

A/N

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Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ce note 6		(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read g	uidance note 3	3)
Tue		· · · · · · · · · · · · · · · · · · ·	-		
Wed			State any seasonal variations for performing guidance note 4)	plays (please	read
Thur			-		
Fri			Non standard timings. Where you intend to u for the performance of plays at different time the column on the left, please list (please read	s to those list	ed in
Sat					
Sun			-		

В			N/A		
timing	Films Standard days and timings (please read		Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
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Sun			P		

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

D			N/A		
Boxing or wrestling entertainments Standard days and			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	s (please nce note 6		((*******************************	Outdoors	
Day	Start	Finish		Both	
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Sun				C.	

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Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	Ø	
	ce note 6)		(please read guidance note 2)	Outdoors		
Day	Start	Finish		Both		
Mon	9 cm	lam	Please give further details here (please read gu	idance note 3)	
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Fri	9 am	lan	Non standard timings. Where you intend to u for the performance of live music at different listed in the column on the left, please list (ple	times to those	2	
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Normal events finish at midnight and don't start until early evening, but clients may ask for an abternoon function. F

ce note 6) Start)				
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	s (please r ice note 6)			Outdoors			
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			the column on the left, please list (please read	guidance note	5)		
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			don't start- until easty evening b	int chipats	May		

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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 enterta be providing Maraohe	ainment you w	<u>rill</u>
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			and don't start until early evening	, but cher	B

may ask for a abrenson furchin.

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Provision of facilities for making music Standard days and timings (please read guidance note 6)		sic nd read	Please give a description of the facilities for m will be providing N/A. Will the facilities for making music be	aking music y		
			indoors or outdoors or both – please tick (please read guidance note 2)	Outdoors		
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Thur						
Fri			Non standard timings. Where you intend to us for provision of facilities for making music at those listed in the column on the left, please I	different times	s to	
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Sun		-		L.		

J

J			N/A		
Provision of facilities for dancing Standard days and			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	
timing	s (please	read	1000 27	Outdoors	
guidar	nce note 6	5)		Both	
Day	Start	Finish	Please give a description of the facilities for deproviding	ancing you wi	<u>ll be</u>
Mon			Please give further details here (please read gu	iidance note 3)	
Tue					
Wed			State any seasonal variations for providing da (please read guidance note 4)	ncing facilities	<u>s</u>
Thur	-				
Fri			Non standard timings. Where you intend to us for the provision of facilities for dancing enter different times to those listed in the column or	tainment at	
Sat			list (please read guidance note 5)		
Sun					

к			N/A		
Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)		ent of a tion to nin i or j and read	Please give a description of the type of enterta you will be providing	ainment facilit	Y
Day	Start	Finish	Will the entertainment facility be indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors	
				Both	
Tue			Please give further details here (please read gu	uidance note 3)
Wed			State any seasonal variations for the provisio entertainment of a similar description to that t	n of facilities falling within i	for or j
Fri			(please read guidance note 4)		
for the p descript			Non standard timings. Where you intend to u for the provision of facilities for entertainmen description to that falling within i or j at differ listed in the column on the left, please list (ple note 5)	<u>t of a similar</u> ent times to th	nose
Sun				5	

L

Stand	night refre ard days a s (please i	Ind	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors			
guidance note 6)			, , , , , , , , , , , , , , , , , , ,	Outdoors			
Day	Start	Finish		Both			
Mon	llpm	lam	Please give further details here (please read guidance note 3)				
Tue	llpm	lam					
Wed	llpm	lam	State any seasonal variations for the provision refreshment (please read guidance note 4)	n of late night			
Thur	Прм	lan					
Fri	llpm	lan	Non standard timings. Where you intend to us for the provision of late night refreshment at d those listed in the column on the left, please li	ifferent times.	to		
Sat	Ilpn	lam	guidance note 5)				
Sun	lipm	1ам.					

Μ

Standa	y of alcoh	nd	Will the supply of alcohol be for consumption (Please tick box) (please read	On the premises	
timings (please read guidance note 6)			guidance note 7)	Off the premises	
Day	Start	Finish		Both	
Mon	9am	lany	State any seasonal variations for the supply of	<u>f alcohol</u> (plea	se
			read guidance note 4)		
Tue	9am	lang			
Wed	Jam	lam			
Thur	9am	lam	Non standard timings. Where you intend to us for the supply of alcohol at different times to t	se the premise hose listed in	es the
			column on the left, please list (please read guid	lance note 5)	
Fri	9am	lan			
			Persons residut on the premises	(ch be	0
Sat	9am	lam	Persons residut on the premises Served only time		
			\Box		
Sun	gam	lam			

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

Name (STELLA MITCHEL
Address	CATS, LEYS HILL WALFORD ROSS ON WYE
Postcode	HR9 SQU
Personal L	icence number (if known)
Issuing lice	ensing authority (if known)

Ν

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)

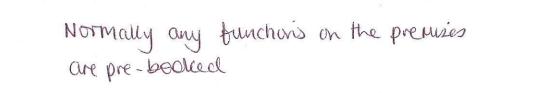
No adult entertainment is envisagéel on these prenusés.

0

open Stand timing	premises to the put ard days a s (please r nce note 6)	olic Ind read	State any seasonal variations (please read guidance note 4)
Day Start Finish		Finish	Premizes are open 24 hours four residents
Mon	901	lan	for Mardents
Tue	gan	lam	
Wed	gay	lam	
			Non standard timings. Where you intend the premises to be
Thur	<u>9am</u>	lan	open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	gan	104	
Sat	gan	lam	
Sun	<u>9au</u>	lay	

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

All events are pre-booleed and Supervised and cheits details are hept in record

c) Public safety

Compying with Health and Sabety Regulations

d) The prevention of public nuisance

Rural location, all musical entertainment mill be reduced in volume so its not analytic outside the curlilage

e) The protection of children from harm

Adopt a challenge 21 policy

	Please tick	(yes
0	I have made or enclosed payment of the fee	V
•	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	
0	I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable	
0	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	

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	G Amitcheel
Date	V «/9/09
Capacity	Applicant

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

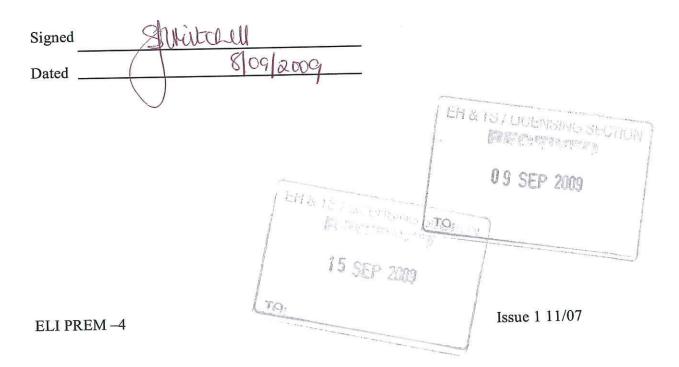
Signature	Schritchell	
Date	() 8/09/09	
Capacity	Premisés Superisir	

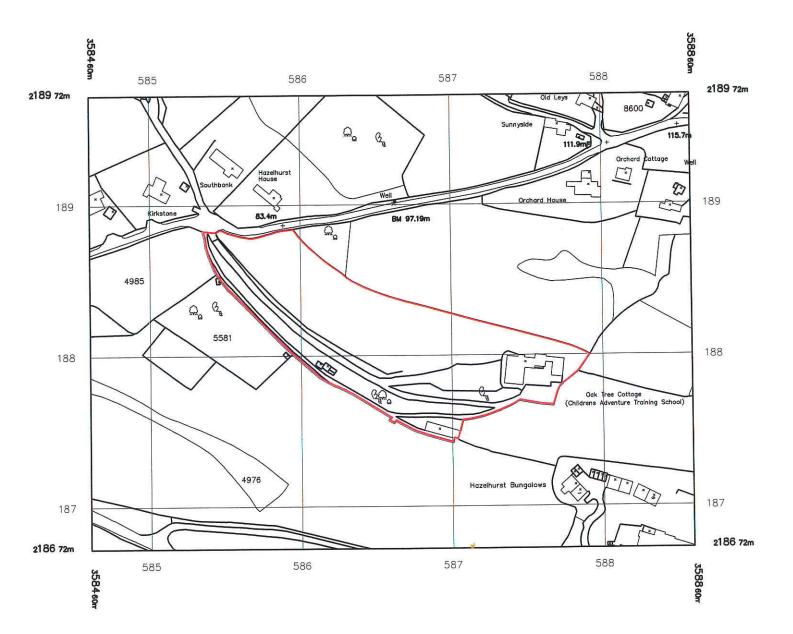
Contact name (where not prev associated with this application	viously given) and postal ad on (please read guidance note	dress for corre a 13)	spondence
MRD MIS G MITT CATS, LEYS HILL WALFORD, ROSS-			
Post town ROSS ON W	YE	Post code	HR9 SQU.
Telephone number (if any)	01600 890109.		
If you would prefer us to corre mitch a catsfa	spond with you by e-mail youn. com .	our e-mail addr	ess (optional)



Form of consent given by the person whom the applicant wishes to be the premises supervisor

I, Stella Mitchell [insert first names and surname of prospective premises supervisor] hereby consents to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to Grahay a Stella Mitchell [insert full name of applicant] where the holder of the licence has consented to the application being made by the applicant [delete as applicable] for The Wyk Valley Spa. CATS, Leys HU, Walford, Ren In Wye HK9 5 QU [Insert name and address of the existing licensed premises] if that application is successful.





Job Title	Drawing Title				
CATS, Leys Hill, Walford	Site Location Plan				
	Drawn OS	Checked	Date 05.12.06	Scale 1:250	
Graham Frecknall Architecture & Design	Job Number 1191	.06	Work Stage		
9 Agincourt Street Monmouth Monmouthshire NP25 3DZ Tel 01600 716418 Fax 023 714507 E-mail@gfarchitects.co.uk	Drawing Nur AL.	^{nber}	N 2	F	

EH &	TS/L	ICEN (C) 住	SING S	ECTION
	20	OCT	2009	- Anorad
0:				

County of Herefordshire District Council Environmental Health & Trading Standards Licensing Unit County Offices PO Box 233 Bath Street Hereford HR1 2ZF

17th October 2009

The Wye Valley Spa, Leys Hill, Bishopswood, Ross-on-Wye, Herefordshire

Dear Dir / Madam,

In our letter to you of 26th August 2009, we brought to your attention our grave concerns over the above establishment's current advertised services that require specialist licenses. We have recently written to you regarding the current usage and await your response.

The purpose of this letter is to object most strongly to you granting <u>any</u> of the licenses applied for in the following application.

Notice of Application for Grant / Variation, Premise License Club Premises Certificate

Application made: 23rd September 2009

By: Graham and Stella Mitchell

At: CAT's Leys Hill, Walford, Ross-on-Wye

From which the following licensable activities are proposed,

- 1. Live Music and Recorded Music,
- 2. Performance of Dance and anything of a similar description.
- 3. The provision of late night refreshment and supply of alcohol from 9am to 1am.

Our reasons for objecting

Background

The application is being made by Graham and Stella Mitchell of CAT's. The definition of the acronym CAT's on their corporate website is "Children's Activity Training centre".

The establishment has recently extended the original business, from a Nursery School caring for young children, to incorporate other leisure activities branded as the Wye Valley Spa. This appears to be a cover for a night club, disco dancing, live music and partying with alcohol and restaurant. This is a change of use of the facilities, which were originally approved as a Children's Nursery.

General Concerns and Issues

- We find it bizarre that an establishment that has children under their care is applying for the aforementioned licenses from 9am (not 9pm) to 1am, all within the same environment. With the Children's Nursery in the same building as the "Spa", How will Ofsted feel about this? Can you please confirm that you have been in contact with Ofsted ensuring that to consider any extension to licensed activities fully meets with their approval.
- The current advertising and marketing literature actively promotes partying with alcohol til

late, in effect a night club. Current service offerings include serving cocktails, champagne, punch and alcohol at Hen Parties and Teen Parties. This seems most inappropriate in these times of government crackdowns on alcohol consumption in particular of the young.

- We are very privileged to live in an AONB in a beautiful part of England. By definition an AONB is a place of beauty, tranquility and darkness. The peace and tranquility will become a thing of the past, especially if they decided to put on a live outdoor event. Glastonbury in Bishopswood I shudder to think!!! Noise travels in the Wye Valley. We live about 800m from the river Wye and can often hear the canoeists laughing and calling to each other. Motorbikes sound like a buzz saw 2 ft away. The noise levels will be totally unacceptable, added to by people smoking outside. .
- There are no street lights in the vicinity the AONB guidelines are that all external lighting is turned off by 11pm. It is difficult to imaging how clients of CAT's will leave safely "Late" without causing noise and light pollution.
- We have looked for definitions of the word spa. Despite trawling the internet and various other reference materials we cannot find any reference to laser light discos, cocktails, champagne, partying or dining with wine. These activities being marketed currently have not been approved by planning.
- Access to the property is by Leys Hill, a single track country lane. The country lane is
 accessed via a seriously dangerous junction at the B4234. This junction is in the local
 parish guidelines as the most dangerous in the parish. There have been a number of
 accidents at this junction. We personally witnessed an accident involving one of the
 CAT's clients with a very small child on board without any other vehicles involved on
 Leys Hill.

In short Leys Hill is not appropriate for stretch limousines, minibuses and taxi's turning up in the early hours of the morning to pick up clients to take them home. It is worth mentioning that CAT's have recently been refused planning permission for dormitory accommodation. Leys Hill is difficult to traverse at any time. For people who are not familiar with the area, late at night after partying and drinking alcohol it might prove impossible.

Concerns and Issues impacting us personally

- We live in a property adjoining the above establishment. We are currently affected by activities at the above establishment and will continue to be directly affected should any of the licenses be approved. It can also be expected that the owners will extend the current use of unlicensed activities should the licenses be approved.
- We do not object to any of our neighbours enjoying themselves and partying occasionally. Sadly however the partying at CAT's is becoming more and more often, with a continuous thump, thump, thump for hours. We now realise they were discoing til late.
- The licensing application is from 9am to 1am. The nursery is open from 7am 6 days a week with cars arriving and leaving, with doors banging and parents calling to each other. Further disturbance will seriously affect the hours of uninterrupted peace and sleep.

Before you even consider this application we implore that you visit the property and assess for yourself – does the Wye Valley situated in an AONB really need a licensed night club in it's midst? We feel sure you will agree that it would be totally inappropriate and to the significant detriment to all the local inhabitants and visitors who visit the area for its natural beauty.

This is a small rural village that already accommodates 2 local licensed premises. We are also only a short distance from Lydbrook which also accommodates 4 public houses, and only a short distance from the local village hall, that puts on many events..

Yours sincerely

EH & TS / LICENSING SECTION

20 OCT 2009

TO:

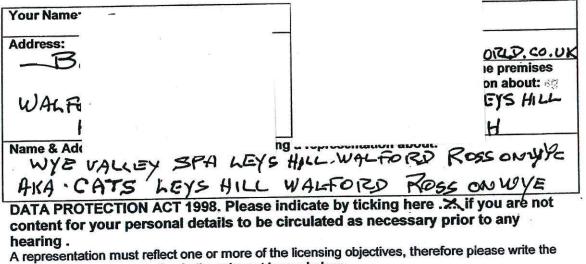
HEREFORDSHIRE COUNCIL Licensing Act 2003

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



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

TO Prevent Crime & Disorder THE DISOISDER IS MOSTLY & NO THE LEVE HILL LANE BETWEEN RESIDENTS AND TRIVERS FOROM OUTSUPE NOT TREATING THIS NUMEROUNTRACK WITH THE COURSES ADND CAKE REPUIRED

Public Safety SITUATED ON A VERY NARDOW WINDING LANE SINGLE ? RACK 1:5 GATTERLY DANGEROUS EVEN FOR RESIDENTE . DIFUCULT BLAND TURN FROM AND ON TO BATTA AND. USED AS A RAT RUN" WHEN SUBVALENCE KNOWN ON THE B4234

To Prevent Public Nuisance

NOISE - THE GEOMORPHOLOGY OF THIS SECTION OF THE WYEVALLEY TORMS A NATURAL RESONATING CHAMBER. WE HAVE ALREADY HAD THE HONOTOND LARITADING BASS THUMPING ECHOING FORDY THE FLANK OF COPPETITION

TO Protect Children from Harm (ATS IS ACRONYM FOR" CHILDREN'S ACTIVITY TRAINING CENTRE " NO PLACE FOR ADULTS (MBIBING ALCHOL -

Signed Date:

ELI REPRE

or are unsure or when the statutory period ends please contact the Licensing Helpline on 01432 260105 WATCH

I & TS / LICENSING SECTION

20 OCT 2009

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HEREFORDSHIRE COUNCIL Licensing Act 2003

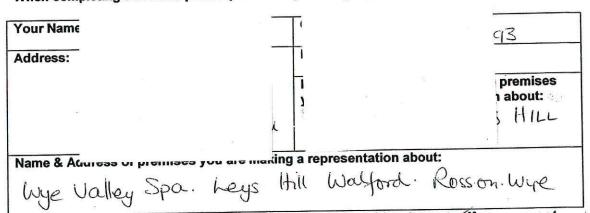
REPRESENTATION FORM – INTERESTED

PARTIES

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

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.



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 quiet residential rural avea as result of activities of the SPA where in a a been consumed. has alcohol access onto heys Hill from It Leys Hill is a narrow winding **Public Safety** the Dangerous BH324. MISSES AND history of NEAR single track lane with a ACCIDENTS Some To Prevent Public Nuisance Cocuring from night and daytine disturbance in Rural Area of AONB, Chosen by ential Residents for its tranquillity. not for HEN NIGHTS Masic as Abevertised IN NIGHTS, OUTDOOR ENTERMAINMENT WITH WYE VALLEY SPA BY To Protect Children from Harm is on THE SAME Scitooc NURSERY ACCESS CATS VEHICULAR SHARES THE SAME ANA SIDE If you have any queries about this form Signed or are unsure of when the statutory Date: period ends please contact the Licensing Helpline on 01432 260105 arties ELI REPRI

EH & TS / LICENSING SECTION **R**MORINED 20 OCT 2009 Please return this form, and HEREFORDSHIRE COUNCIL any additional information Licensing Act 2003 within the statutory period to: TO: The Licensing Section, **REPRESENTATION FORM – INTERESTED County Offices**, PARTIES PO Box 233, Bath Street, Hereford, On making your representation please have regard to the HR1 2ZF 'Making Representations Guidance Notes' which further explains licensing@herefordshire.gov.uk the process and the information that can be considered by the licensing authority. When completing this form please print clearly and legibly. 97 HUMMAIL COM premises n about: ou are making a NYE VALLEY SPA. LEYS HILL WALFORD 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** INCREASE OF TRAFFIC ON THE NARRON ACCESS LANE OF LEYS BF TILL DANGEROUS TO DRIVERS WALKE **To Prevent Public Nuisance** NOISE ECHOING FROM THE HROUGH THE NARROW

To Protect Children from Harm AN ALCHOL LICENCE THE APPLICATION OF THERE MRE WHERE IAM 9mm-FROM CHILDREN PRESER 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

Signed: Date:

ELI REPRE – 1 Representation Form – Interested Parties

16th October 2009 The Licensing Section **County Offices** PO Box 233 RECEIVE **Bath Street** 20 OCT 2009 Hereford HR1 2ZF TO:

EH & TS / LICENSING SECTION

Dear Sir or Madam

I wish to object to the proposal of Mr Mitchell of CATS, Leys Hill, that he should be granted a license to sell alcohol.

I purchased the stables adjacent to his property with the hope that I could keep horses in the peace and safety of the countryside.

I have already had to call out the fire brigade because an unattended bonfire was rapidly spreading towards the stables. The prospect of drunken revellers smoking in the hay barn and causing a fire is unnerving.

Mr Mitchell has a right of way up our drive and is constantly leaving the gate open with the attendant risk to the horses and the general public. Partygoers are just as likely to leave stable doors and gates open!

Unfortunately, he has bullied and browbeaten my wife to the extent that she is afraid to speak to him (I have an independent witness to this) and it is with some trepidation that I write this letter for fear of reprisals.

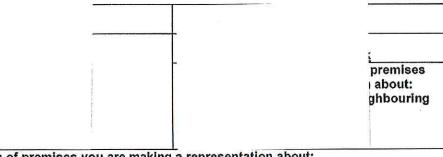
HEREFORDSHIRE COUNCIL Licensing Act 2003

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



Name & Address of premises you are making a representation about: CATS/The Wye Valley Spa, Leys Hill Bishopswood

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

There is a long history of Road Traffic Accidents at the junction of the narrow lane leading to this site with the B4227 Ross-on-Wye to Lydbrook road.

The generation of further traffic, particularly late at night, involving party goers can only exacerbate this problem.

There is little or no available public transport in the area.

To Prevent Public Nuisance

The site has a long history of contested and/or retrospective planning applications. Most of the Objections have related to noise generation and traffic generation at antisocial times in a quiet tranquil area.

Originally developed as a day nursery, the apparent further development of the site as currently promoted in the applicant's Web Site would appear all too likely to create further disturbance to local residents

ELI REPRE - 1 Representation Form - Interested Parties

To Protect Children from Harm

The proposed development of the site as Licensed premises whilst still licensed as a Play School for young children appears wholly inconsistent with the well being and safety of often very young children.

> 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 SHIRE

Representation Form – Interested Parties Suggested Conditions

Premise:

Your name: ____

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.

To Prevent Crime and Disorder	
Public Safety	
Prevent Public Nuisance	
*	
Protect Children from Harm	

ELI REPRE - 1 Representation Form - Interested Parties

TO:	14 OCT 2009 HEREFORDSHIRE Licensing Act REPRESENTATION FOR PARTIES On making your representation please	2003 M – INTERESTED	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
	'Making Representations Guidance No the process and the information that c licensing authority. When completing this form please	an be considered by the	licensing@herefordshire.gov.uk
	<u>٦</u>	Contact Telep	hone No. 01600 890415
		E-mail addres	s:
		you are makin	our interest in the premises ag a representation about: eg /local business
V	Name & AUDIESS OF PIETINGES YOU A CATS/THE WYE VALLEY SPA LEYS HILL, ROSS-ON-WYE,	GRAHAM & STELLA MI	ICH DUC)
	DATA PROTECTION ACT 1998. content for your personal details hearing. A representation must reflect one or n	s to be circulated as ne nore of the licensing objecti	ecessary prior to any
	content for your personal details hearing .	s to be circulated as ne nore of the licensing objecti	ecessary prior to any
	content for your personal details hearing . A representation must reflect one or n details of your representation in the re	s to be circulated as ne nore of the licensing objection elevant boxes below:	ives, therefore please write the
	Content for your personal details hearing. A representation must reflect one or m details of your representation in the re To Prevent Crime & Disorder INCLEASED TEAFFIC IN AM SITE ALREADY ATTEACTS L ROAD TO Prevent Public Nuisance NOISE & LIGHT POLUTION AN AREA OF OUTSTANDING TO HEREFORDSHIRE'S U.T	S to be circulated as ne nore of the licensing objection elevant boxes below: UNSUITABLE & DAN IMOUSINES UP A J IN WHAT IS SI NATURAL BEAUT D.P.	APPOSED TO BE
	Content for your personal details hearing. A representation must reflect one or m details of your representation in the re To Prevent Crime & Disorder To Prevent Crime & Disorder Public Safety INCLEASED TRAFFIC IN AN SITE ALREADY ATTRACTS L ROAD To Prevent Public Nuisance NOISE & LIGHT FOLLUTION ANT AREA OF OUTSTANDING	S to be circulated as ne nore of the licensing objection elevant boxes below: UNSUITABLE & DAN IMOUSINES UP A J IN WHAT IS SIN NATURAL BEAUT D. P. D. LETTER	AREA NARROW, UINDING AREA NARROW, UINDING APPOSED TO BE Y. THIS IS CONTRARY

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

Dear Sirs,

Graham & Stella Mitchell CATS Nursery/Wye Valley Spa, Leys Hill, HR9 5QU

With reference to the application by the above-named for a licence for recorded music, performance of dance and anything of a similar description, provision of late night refreshment and supply of alcohol I wish to register both my strongest objections and concerns.

As a resident of Leys Hill for over fifty-seven years I have watched with dismay as this site has grown exponentially and caused a profound and unwelcome impact on the local environment. The scale and ambitions of these business interests are greatly inappropriate on every level for an Area of Outstanding Natural Beauty and, if granted, would be contrary to Herefordshire's U.D.P. Policy. The inevitable additional noise and light pollution created would be of a level unacceptable to neighbouring properties which includes the 'Hazelhurst Nursing Home' complex. The unclassified road that leads up Leys Hill – along with its notoriously dangerous junction with the B4234 – is not suited to extra traffic. The site attracts limousines, some of which have become lost and stuck and they are obviously particularly inappropriate for this area. The approach and site would also be difficult for emergency services vehicles.

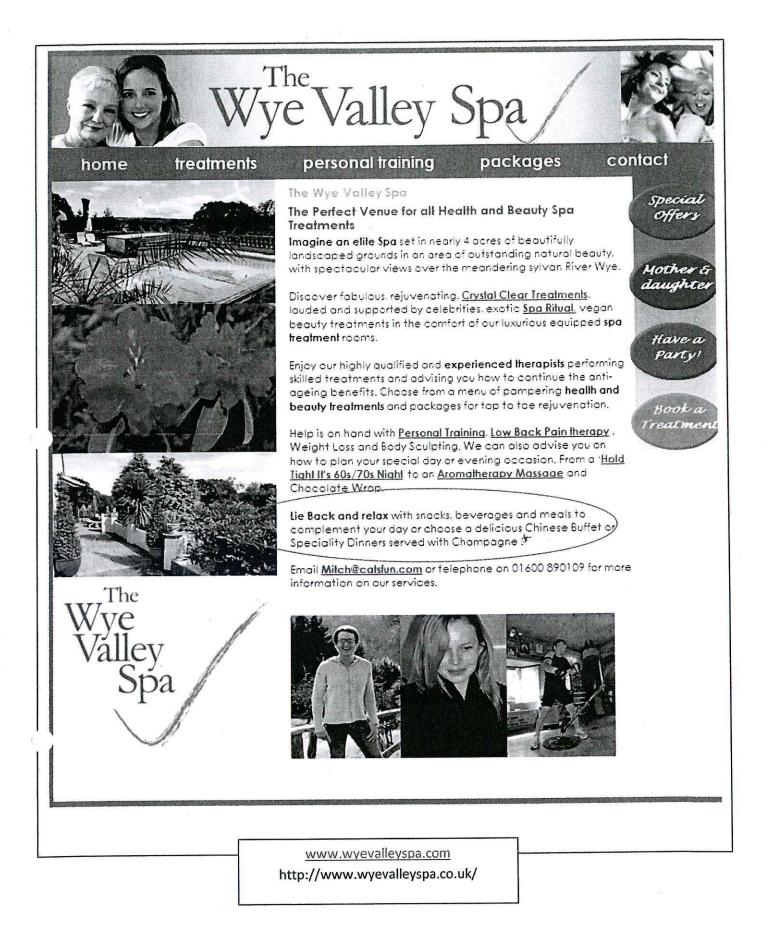
A children's nursery/kids' club, of any size, is <u>clearly</u> incompatible with an adult leisure complex on the grounds of safety alone and most certainly not when alcohol is being consumed.

It is hard not to form the opinion that this site operates with a curious lack of censure. The business – which openly markets itself as 'The Party Spa' - has provided services for which it has no licence for a considerable period ime. It continues to openly advertise these services at the time of writing on its website and in leaflets etc. It would therefore seem prudent for your department to take action, would it not? I include a number of examples, these are by no means all of the services which are advertised by the applicants. Not only is it a matter of great concern that these activities are <u>still</u> advertised and undertaken but if licence were to be granted then this would set a worrying precedent.

I should also like to add that it is well known that the applicants have offered the site for sale (£1.25 million) citing 'relocation' as the reason for the sale. Obviously, they have no long term plans to stay at the site.

I, therefore, respectfully request that these points should be given consideration and I would conclude by quoting from the Planning Inspectorate in 1995 "the suitability of the location for this particular combination of business activities is itself... a matter for doubt."

EH & TS / LICENSING SECTION
received
14 OCT 2009
TO:



Included are just some of the activities/services the Wye Valley Spa continues to advertise without licence or permission. Alcohol (in the form of champagne, wine & mojitos) is widely listed as being available, laser light disco, late night dancing etc.

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14 OCT 2009

TO.

Bridal Bliss Package



* Champagne upon arrival

SPA FACILITIES

Aromatherapy Sauna Atmospheric Steam Room Hot Tub/ Spa Pool Swimming Pool (Seasonal) Tennis Court/Roof garden Sunbed Lunch with Champagne and Speciality Coffee **SPA TREATMENTS** SpaRitual Healing Hands or SpaRitual Journey with polish Plus SpaRitual Full Love Ritual

£170



Hen Party



√Champagne upon arrival Fresh Strawberries

SPA FACILITIES

Aromatherapy Sauna Atmospheric Steam Room Blue Room Hot Tub/ Spa Pool Swimming Pool (Seasonal) Tennis Court/Roof garden Sunbed Lunch with Champagne[®] and Speciality Coffee **SPA TREATMENTS** Chocolate Body Wrap **£150** Or

Back, Neck and Shoulder Massage £100

http://www.wyevalleyspa.co.uk/packages_henparty.html http://www.wyevalleyspa.com/packages_henparty.html

http://www.wyevalleyspa.com/packages_bridal.html http://www.wyevalleyspa.co.uk/packages_bridal.html



Exclusively for You



Choose one of the following treatments, either a manicure, pedicure or a back neck and shoulder massage.

Times available

9am-1pm Coffee and crumpets Aromatherapy Sauna Atmospheric Steam Room Penguin café Lunch with Wine & Roof Garden Sun Terraces £67

Or

1 pm-5pm Lunch with Wine & Aromatherapy Sauna Atmospheric Steam Room Penguin café Tea and Crumpets Roof Garden Sun Terraces £67

Or

5pm-9pm Supper with Wine¥ Aromatherapy Sauna Atmospheric Steam Room Penguin café Relaxing beverage Roof Garden Sun Terraces £67

http://www.wyevalleyspa.co.uk/packages_exclusivelyforyou.html http://www.wyevalleyspa.com /packages_exclusivelyforyou.html



Cuba-"where it all began"

THE SOPHISTICATED SALSA SPA DAY

For adult groups Only for 10 people plus.

1pm-late

1pm-5pm: Day Speciality, all spa facilities, light lunch and refreshments 6pm-late: Salsa Session, Buena Vista Buffet, Mojitos and Mood Music for Dancing

http://www.wyevalleyspa.co.uk/parties_salsa.html

The Licensing Section County Offices PO Box 233 Bath Street Hereford HR1 2ZF EH & TS / LICEI 13 OCT 2009 TO:

Dear Sir,

1 -

Interested parties to Licence Application for The Wye Valley Spa

We wish to object to the granting of a licence for the Wye Valley Spa. We feel that such activities with the potential for increased noise, lights and traffic into the early hours of the morning are not suitable for a quiet rural location in an area of outstanding natural beauty.

We have lived opposite the entrance to the site for 37 years and have seen the growth from a small nursery, which we welcomed, into the present complex with the related increase in traffic. The approach to the site is by a narrow unlit lane with a very dangerous junction with the B4234. Satnavs frequently attempt to send delivery drivers and visitors down a bridle path with consequent difficulties. Fire and ambulance services could also find access difficult.

Lighting the location would be a visual intrusion into our intrinsically dark night sky and, as such, would be against the Parish Council Lighting Policy for this area.

We also have concerns about the proximity of vulnerable children at Cats and the Kids Club to the activities of visiting adults and alcohol.

We hope that you will refuse a licence for all the activities applied for.

Yours faithfully

(

Licensing Section Environmental Health & Trading Standards County Offices PO Box 233 Hereford HR1 22F

8 October 2009

Dear Sir,

)

Re. CATS Nursery School / Wye Valley Spa, Leys Hill, Rade and the second concernse Application

I write as a local resident on Leys Hill, living above the 'CATS' establishment. I have the following concerns about their licensing application:

Child Safety

'CATS' still operates as a Nursery School with after school Kids Club as well as more recently the Wye Valley Spa. I am alarmed that a license for alcohol and music is being sought at this site where children are being cared for during the day and early evening.

Noise Nuisance

'CATS' lies in a river valley with unique acoustics, noise travels far and wide.

Noise associated with parties, events or gatherings of any sort day or night would be intolerable in this quiet residential community that lies within the AONB. This property also has a planning application under consideration at present including overnight accommodation with an 'External Performance Area' this would cause considerable public nuisance.

Next door to 'CATS' is Hazelhurst Nursing Home who would be adversely affected should this license be granted.

From a personal perspective I have a young family of primary school age who would be disturbed by evening/night time noise.

I have chosen to make my home out of town to enable me and my family to enjoy the peace and tranquillity of the countryside.

Traffic / Road Safety

Leys Hill is accessed by a steep, narrow, winding unclassified road which is unsuitable for 'events' traffic. As I am sure you are aware this establishment has been operating and advertising as a Spa hosting such events as 'Hen Parties'. We have already experienced a ridiculous situation when a 'stretched limousine' attending one such event turned into an agricultural lane off Leys Hill and couldn't turn round!

The junction at the bottom of Leys Hill with the main road has restricted visibility in both directions and is hazardous. Due to its location out of town there is no public transport available, patrons would have to drive and there may be associated road safety and drink driving implications.

I believe this business has been trading unlicensed for a considerable length of time and has evolved from a Nursery School to a Nursery School with Gymnasium to a Spa and is now looking to offer overnight accommodation and licensed entertainment.

These activities show no respect to the environment or the local community and I strongly object to their license application.

FH &	TS / LICENSING SECTIO	1
	RECENT	
	12 OCT 2009	
TO		

EH & TS / LICENSING SECTIO
1 2 OCT 2009
то:

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

Dear Sirs,

CATS, Leys Hill, Bishopswood

I have seen a notice on the boundary of the above property regarding an application for a license to serve alcohol and to provide musical entertainment.

I strongly oppose such an application ...

This property is in a quiet semi-residential area within the Wye Valley AONB. Having regard to Herefordshire unitary development plan policies La1, RST2, RST12 and RST14, the development of this site to include such activity is unacceptable.

The noise and light pollution from their proposed discos and hen nights will be an unacceptable disturbance, particularly to the local residents who are mostly retired. As you can understand, such people tend to be trying to sleep well before midnight, let alone 1am.

In addition, I am gravely concerned about the m ix of a children's nursery and licensing of alcohol.

Lastly, granting such a license will increase traffic to the site which is taking access from the unclassified U70408 road whose junction with the class II B4324 has poor visibility. This will result in additional danger on the highway and not therefore be in the interests of highway safety. The proposed license is therefore contrary to Herefordshire Unitary Development Plan Policy DR.3.

Yours Faithfully,

1 1

9th October 2009

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

TO:

Dear Licensing Officer

Interested Parties to Licence Application Stella & Graham Mitchell The Wye Valley Spa.

We are making a formal representation against the application of a licence for Stella & Graham Mitchell. We have enclosed the formal HDC Representation Form but it does not adequately cover our main concerns.

We have lived opposite the site CATS/The Wye Valley Spa for over 30yrs. CATS started some 22yrs as a children's pre - school nursery for initially 12 children but over the 22yrs there have been 11 planning applications - see attached copy of the HDC Planning Officers schedule listing the Planning History since 1987. This document was included with other documents for the 12th and the recent application DCSE2009/1676/F for Dormitory Accommodation.

The Application was recommended by the Planning Department but refused by The Southern Area Planning Committee on 30th September 2009. A number of reasons for refusal are relevant as objections to granting a licence.

The site is located in a quiet location of the ANOB open countryside, it is not within the HDC designated settlement of Kerne Bridge. However it is adjacent to Hazelhurst Nursing Care Home for the elderly, who for most of the past 22yrs were content with activities of the young children at Nursery and Kids Club. The recent planning application stated that both Nursery and Kids Club will continue along side with the other mixed unlicensed activities.

This application with it's toxic mix of activities has a potential for noise/light nuisance to the elderly and harm to the young children.

The public nuisance for all the neighbours considerable with disco/music/lighting/partying/alcohol and traffic into the early hours of the morning, indeed the application is for the period 09.00 to 01.00hrs.

The public safety issue is a major concern regarding the junction of Leys Hill with the B4234. At the recent planning meeting a Councillor described it as the worst junction in the County. The Walford Parish Council has long campaigned for improvements to this junction.

With ever increasing levels of traffic movement, the problem is only added to with stretched 'Limos' one of which became stuck in a narrow track whilst trying to locate The Wye Valley Spa by the Sat/Nav.

The HDC Traffic Manager has serious concerns regarding this junction and was only satisfied if a lower of traffic density could be demonstrated. To put into context at the May 1995 Appeal The Planning Inspectorate, Inspector Mrs Susan Holland placed great weight on movement of traffic on Leys Hill and required that passing places be created by CATS.

Any attempt to illuminate the location would be against the Walford Parish Council Policy on Lighting for this Parish.

Having read your Licensing Policy Document 2005 - 2008 its is clear that you consult widely with the appropriate Authorities and bodies various interests, I note however that mention is not made of Child Protection or OFSTED.

OFSTED became involved in the applications in 2007 for Holiday Lodges all of which were refused or withdrawn. Concern was expressed regarding the proximity of the activities of visiting adults and very young and vulnerable children. We are sure that the Fire & Ambulance Services will have concern regarding the location and accessibility.

The concept of a Pre School Nursery at this location was good and although it grew from the initial 12 places to 30 it gained a reputation as a good nursery. However the ambition of the owners was to diversify and grow into other leisure, educational, fitness, and cultural activities, This can easily be identified from the History of planning applications.

The location and its designation as open countryside in an ANOB meant that there would always be the need to challenge HDC Planning Policy and co-operate with the local community which over the years they failed to do.

I have enclosed a letter sent to Councillors on the Southern Area Planning Committee prior to the meeting on 30th Sept 2009 it outlines a number serious concerns regarding the application which are also relevant to this application.

It is interesting to note that had the applicant not applied for permission for the Dormitories the question of the licence may not have arisen since The Spa had been operating for approx 2yrs without a licence and growing the business by advertising on the website and distributing promotional brochures.

The immediate locality is well served with activities of a similar type, The Inn on The Wye is just over 500m from the Spa on the B4324 and is within the Kerne Bridge settlement.

There has been a history of creeping development of both buildings and activity on this site. If the outcome of your deliberation is to grant a licence to the applicant it could well be detrimental for the future of this area and the community located in an ANOB.

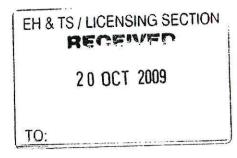
We hope that you will be mindful to refuse a Licence for all the activities that the applicant has applied for.

Premise:

Representation Form – Interested Parties

HEREFORDSHIRE

Public Safety TRANS PORT や三三十 **To Prevent Crime & Disorder To Protect Children from Harm To Prevent Public Nuisance** CHILDURA P21212 JUNITION OF BAZ34 0-CS 2-CS COUNTRY SPOR WITHN A PARTICULAR TROBLEM THE XYE VALLEY SPA Neise & LIGHT POLUTION AT LOCATED ON LEYS HILL . THE VISITING ADVLTS -1 NURSCRY CHILDREN, E-1-S & FROM THE ANOR こというとうろ K10 #017 PURING LENS HILL THE WYE VALLEY ーエー HAZADDOUS TACAS 9 PRESENTS ICIDSCLU3 SPAS OPEN YOUNA 一天



17th October 2009

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

Dear Licensing Officer

Interested Parties to Licence Application Stella & Graham Mitchell The Wye Valley Spa.

I/we wrote to you on the 9th Oct 2009 outlining our objections to a Licence for Stella & Graham Mitchell at The Wye Valley Spa in fact I was mistaken since further examination of the Notice reveals that Application is for CATS which is a registered children's nursery and Kids Club.

Planning was finally approved SE1999/3239/F on 17th Sept 2000. for the use a Nursery ,Kids Club, fitness, cultural etc. The hours of operation was up to 9.30pm and not on Sundays.

Clearly a licence for the consumption of alcohol would not be appropriate for a Children's Nursery & Kids Club. In my letter to you of the 9th Oct I focused on the activities of the The Wye Valley Spa which does not to appear to be a registered business or have an agreed planning activity for the site.

Another issue is that the statuary requirement is for a notice to placed in a position on the premises available to the public and in the local press that the residents and neighbours would read. However the notice was placed on the perimeter fence most residents drive past the notice very few would walk past the notice. The notice was published in The Forest of Dean Review which is a "freebie" published printed and mainly distributed in The Forest of Dean Gloucestershire. The most widely read local papers for the residents are The Ross Gazette, Ross Journal, and The Hereford Times all published and circulated in Herefordshire.

The other major issue is that The Wye Valley Spa has been operating without an appropriate licence for 2yrs and without a planning permission to operate that type of business on the site. There must an offence that could be the subject of a prosecution for operating unlicensed premises and without planning permission.

I hope that you give due consideration to the additional issues I have raised.

The Licensing Section County Officer PO Box 233 Bath Street, Wereford HRI ZZF EH & TS / LICENSI RECEN 12 OCT : Dean hicensing Office TO: Re: Licensing Application: Stella & Graham Hitchel the whe valley SPA. It has come to our attention (we have not been notified officially) that the above named owners of the WYEVALLEY SPA. have applied for a license to extend their business from C.A.T.S a nursery for children to a disco type of place with alchohol, dancing and general type of partying with the early hours of the movining. (Jam - Ia.m) going on all day in fact. Also it should be mentioned that they have been doing business as a Spa without a license for the past couple of years. We strongly oppose this application, we purchased own bungalow, which is in the grounds of the Hazelhust Nursing home Sizeans ago because of it's quietness and security of the area, which we feel would be totally destroyed. Any traffic noise along with inebriated people leaving the premises would be greatly magnified in the early hours. there is a night club in Ross-on-Wye, three miler

away, and the line on the Wye a quarter of a mile away can provide it. Rease note our concern and interest in this application. yours sincolely. 100 ſ 52

TO WHOM IT MAY CONCERN

CATS LICENSING PLANNING APPLICATION

Please be advised that both my wife and I oppose this application along with all the others we have logged concerning Cats.

This is AONB and made up of mainly residential homes.

The application flies in the face of what this area is about, namely residential properties that enjoy the ambience of this glorious location.

If granted Cats will pollute the area with noise, light and vehicular traffic that Leys Hill wasn't designed for.

Thank you

Licensing Section County Officer PO Box 233 Bath St. Hereford HR1 2ZF

EH 8	TS / LICENSING SECTION
	09 OCT 2009
<u>10:</u>	

Mr Andrew Ashcroft Head of Planning County Offices PO Box 233 Bath Street Hereford HR1 2ZF

Application to grant Licence Ref. CATS Planning application No DCSE 0009/1676/F

I refer to the application by Graham and Stella Mitchell of CATS, Leys Hill, Walford, dated 23rd September 2009, for a licence to operate what constitutes a night club on the premises. It would presumably involve the playing of loud music, the spectre of fairground type illuminations and other noisy activity. This would be an unwelcome intrusion in a select residential district designated an area of outstanding natural beauty.

Leys Hill is not an easy area of access and any further traffic would constitute a serious road hazard and menace for the residents on the Hill.

I am therefore opposed to the granting of this licence.

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Yours truly,

EH 8	TS / LICENSING SECTION
	09 OCT 2009
<u>T9:</u>	The day and the second s

5th October 2009

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

Dear sirs

Re : CATS, Leys Hill, Walford, Ross-on-Wye, Herefordshire, HR9 5QU.

In accordance with the licensing act 2003 I wish to make representations regarding the application for licensing at the above premises.

Cats, also known as the Wye Valley Spa, is situated in a quiet semi-residential area of countryside within the **Wye Valley AONB.**

Encouraging access to the site by for music and alcohol represents a significant implication for crime and disorder in the area.

Access to this rural location can only be made by road, the lane is steep, narrow and dangerous, even for the relatively little traffic that uses it at the moment. Encouraging its use throughout the day and night by people forced to use their cars because of its location would be a significant threat to Public Safety. This also presents a threat to **Child safety** for local children walking on the hill or to/from school buses on the main road.

The licence premises are high up on the side of a steep area of the Wye valley where noise from both sides of the valley travels a considerable distance.

Any noise generated by the license premises will be a **considerable Public Nuisance** to the current residents on both sides of the valley.

The valley currently does not suffer from light pollution, any light produced by the license premises will be a **considerable Public Nuisance** to the existing residents on both ides of the valley.

Currently the premises is a Children's Nursery, the owners have stated they have no intention of discontinuing this side of the business, therefore there would be Nursery School Children on the premises at the same time as dancers & drinkers!. This represents a **significant threat to Child Safety**.

This License application would appear wholly unsuitable at these premises.

Yours Sincerely

CH	& TS / L	ICEN	SING SECTION	ON
	09	OCT	2009	
TO:				

EH & TS / LICENSING SECTION

0 9 OCT 2009 HEREFORDSHIRE COUNCIL Ligensing Act 2003

TO:_____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

	Pontost Telesters No
	3
	ng a representation about:
CATS / WYE VALLEY SPA,	LEYS HILL, WATERA, ROSS-ON. WYE
HFOS HR9 SQU	LEYS HILL, WATERA, ROSS-ON . WYE

DATA PROTECTION ACT 1998. Please indicate by ticking here x... 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 CUPRENTLY LEYS HILL IS A QUIET RESIDENTIAL AREA, THE LICENSING OF THE ABOVE PREMISES MAY ENCOURAGE DRIVING 2 BEHAVIOR MORE COMMONIN CITY CENTRES.

Public Safety PEOPLE ATTENDING THE ABOVE PRE-ISES WILL COME BY GAR & THE ACCESS IS A VERY MARROW STREP SINCHE TRACK LAME. PRESENTING SIGNIFICANT DANGER TO RESIDENTS USING THE LAME.

TO Prevent Public Nuisance THE PREMILIES IS IN A STELP (IDED VALLEY, NOISE TRAVELS A CONSIDERABLE DISTANCE TO BOTH SIDES OF THE VALLEY WHICH ARE BOTH QUIET RESIDENTIAL AREAS. AT NIGHT THE VALLEY IS DARK WITH LITTLE LIGHT POLLUTION THE PREMISES COLD CAUSE SIGNIFICANT LIGHT POLLUTION.

TO Protect Children from Harm THE PREMISES IS CURRENTLY A NVRSERY SCHOOL! AND LOCAL CHILDREN WILL BE PUTAT SUBSTANTIAL RISK BY CARS TO / FROM THE PREMISES AT ALL HOURS POSSIBLY DRIVEN BY PROPLE UNRITTO DRIVE DUE TO DRINK.

Signed: Date: 5.10.09 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



Representation Form – Intereste Suggested Conditions

Premise: CATS LEYS HILL Your name

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.

To Prevent Crime and Disord	ler
4	CONDITIONS THAT WOULD
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Public Safety	ALLEVIATE MY CONTURNS.
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Prevent Public Nuisance	
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Protect Children from Harm	
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Signed:	
Date: 5.10.09	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



Licensing Section County Offices P. O. Box 233 Bath Street Hereford HR1 2ZF

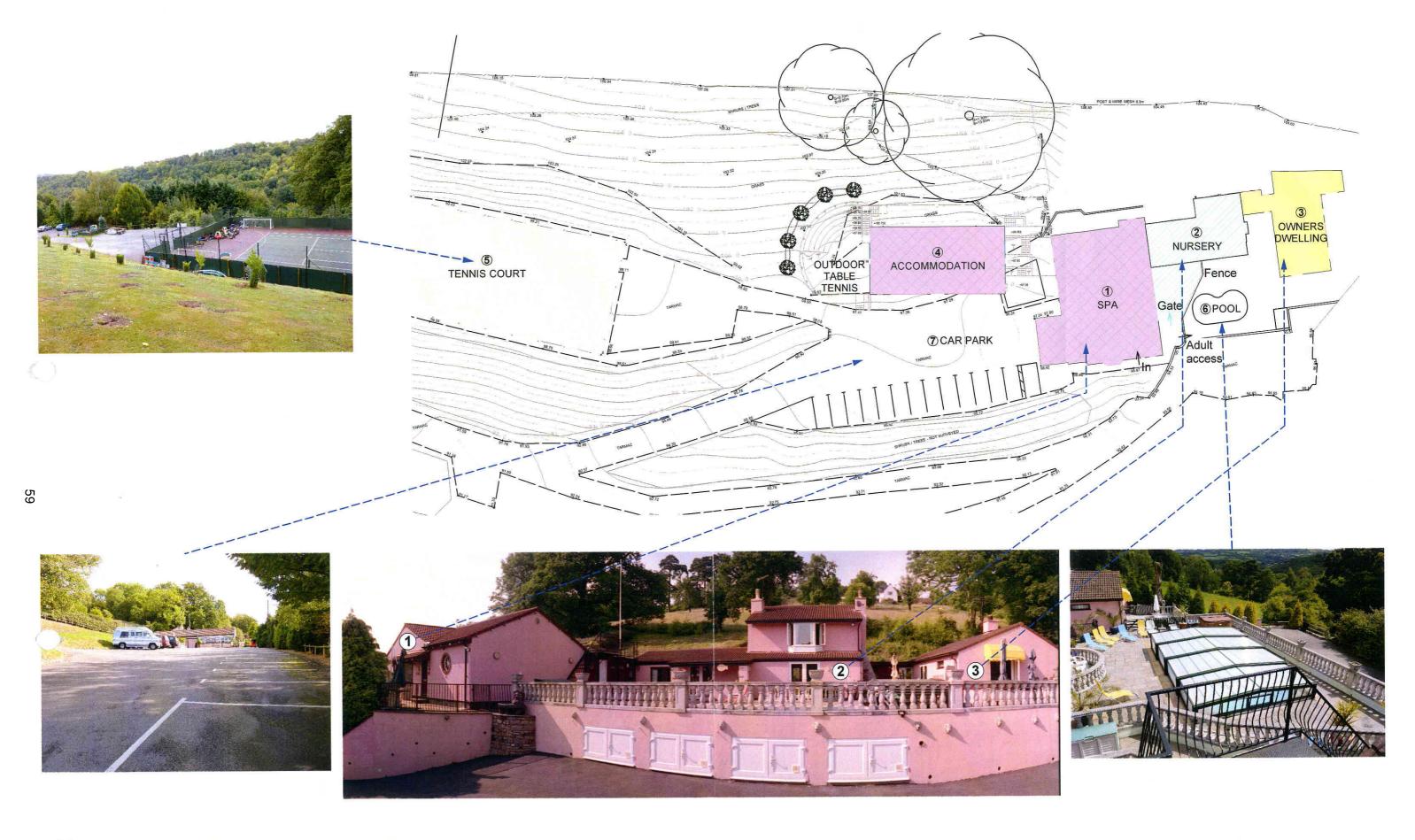
Dear Sirs,

<u>Re: Cats Nursery, Leys Hill, Walford - Application for License for Live Music, Dancing,</u> Refreshments and to serve Alcohol between the hours of 9am and 1 am

I am writing to express my strongest possible objection to the granting of the above license for the following reasons:-

- Leys Hill is an area of outstanding natural beauty, noted particularly for its peacefulness, tranquillity and serenity. The granting of this license would not only destroy this but is totally out of keeping with the local surroundings.
- 2)The lane leading to CATS is very narrow, accommodating single file traffic and the additional traffic that would be generated if this application was granted would create additional dangers and cause further damage to the existing narrow lane
- 3) The additional noise that would be created is totally unacceptable to this peaceful, quiet area, especially if drinks and refreshments along with live music and dancing are allowed to last until 1 a.m. in the morning..
- 4) CATS is a children's nursery. The granting of this license is not compatible with young children attending the nursery and would, I'm sure, be of considerable concern to parents
- 5) Most of the residents of Leys Hill are retired people who have chosen to spend their old age in the quiet peaceful, tranquil surroundings of Leys Hill and would therefore certainly not appreciate having their sleep disturbed by the noise created by party reveller's vehicles travelling down the lane in the early hours of the morning.

I therefore trust that serious consideration will be given to the above points that will lead you to refuse this application.



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	KEY:		SCHEDULE OF DIVISIONS:							Job Title	
Notes Do NOT scale off this drawing.	->	CHILDREN ACCESS		SPA	NURSERY	DWELL.	ACCOM.	TENNIS	POOL	CAR PK	CATS, Le
Check dimensions before use and notify the Architect of any discrepancies immediately. © Copyright belongs to the Architect.	->	ADULT ACCESS	NURSERY CHILDREN USE	X	1	X	X	1	X	1	<u></u>
Copyright belongs to the Architect.	12	EXCLUSIVE NURSERY	SPA GUESTS USE	1	x	X	~	1	1	~	Graham 9 Agincourt
	17	ADULT USE ONLY		1	2	3	4	5	6	7	Tel 01600 71

Job Title CATS, Leys Hill, Walt

Graham Frecknall A 9 Agincourt Street Monmo Tel 01600 716418 Fax 01600

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