

AGENDA

Regulatory Sub Committee

Date: **Friday 22 January 2010**

Time: **10.00 am**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor SPA Daniels
Councillor JW Hope MBE
Councillor A Seldon

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

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

AGENDA

	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 'ZANE RESTAURANT, 9-13 ST. OWEN STREET, HEREFORD, HR1 2JB.'	1 - 6
To consider an application for a premises licence in respect of the Zane Restaurant, 9-13 St Owen Street, Hereford, HR1 2JB.	
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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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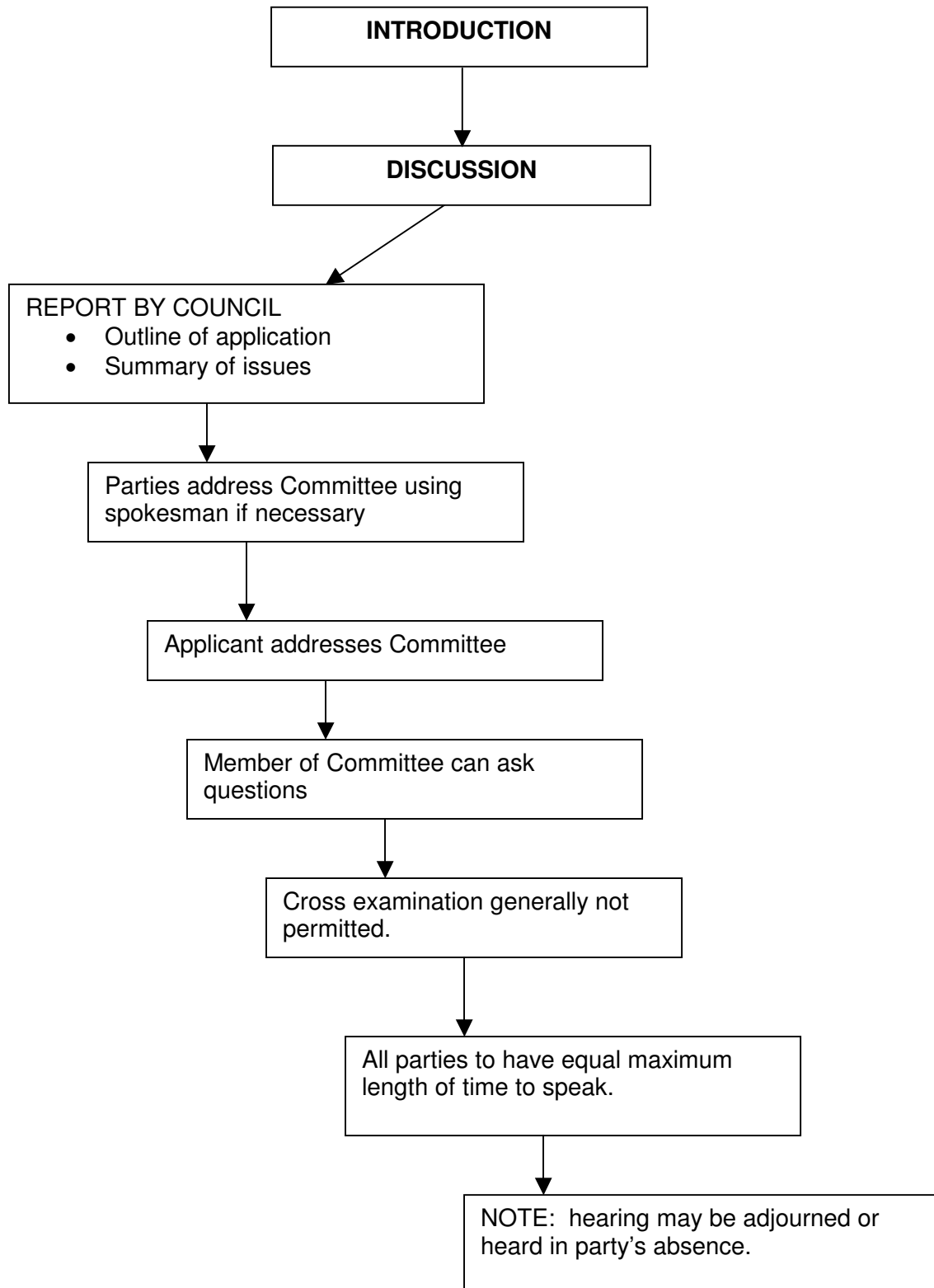
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	22 JANUARY 2010
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE 'ZANE RESTAURANT, 9-13 ST OWEN STREET, HEREFORD, HR1 2JB.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for a premises licence in respect of the Zane Restaurant, 9-13 St Owen Street, Hereford, HR1 2JB.

Key Decision

This is not a Key Decision.

Recommendation

THAT the 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

- 2 Public Representations against the application
- 1 Representations from the Responsible Authorities

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	Fleat Ltd Trading as Zane Restaurant 9-13 St Owen Street, Hereford, HR1 2JB.	
Solicitor	N/A	
Type of application: New Application	Date received: 24/11/09	28 Days consultation 21/12/09

Licence Application

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

Summary of Application

- 5 The application is for Live Music, Recorded Music, Provision of facilities for Dancing, 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: -

Live Music, Provision of facilities for Dancing
All days of the week 19:00 to 23:30

Recorded Music
Monday to Saturday 09:00 to 02:00
Sunday 09:00 to 23:30

Late Night Refreshment
All days of the week 23:00 to 23:30

Supply of Alcohol
Monday to Saturday 11:00 to 02:00
Sunday 11:00 to 23:00

6 The premises to be open to the public:-

Monday to Saturday 08:00 to 02:00
Sunday 08:00 to 23:30

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

Live Music – New Years Eve (Times not specified)

Summary of Representations

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

9 One representation has been received from the Police as a Responsible Authority.

10 Two local residents have made representations against the application.

11 These in main address the 2 licensing objectives of: -

- Prevention of Public Nuisance
- Protection of Children from Harm

12 Clarification has been sought from the applicant as follows: -

- Box E – Live Music – States “New Years Eve only” but no times have been stated. The applicant has been requested to supply this.
- Clarification has also been requested in respect of the dispersal policy, as the terminal hours for supply of alcohol are the same as the hours the premises are to close to the public.

Key Considerations

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

Community Impact

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

Legal Implications

15 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.

16 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.

17 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.

18 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 the reason for imposing these conditions.

19 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'.

20 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'.

21 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."

22 As a result of conditions offered by the applicant, the following conditions will be attached to the licence

General:

- No alcohol shall be removed from the premises outside the permitted hours

The prevention of Crime and Disorder:

- CCTV must be in operation at all times the premises are used for licensable activities. The CCTV must meet the requirements of the Licensing Authority and Police.
- No open containers must be removed from the Premises

Public Safety:

- No alcohol must be consumed outside the front of the premises after 1800 hours and outside the rear of the premises after 2200 hours

Prevention of Public Nuisance:

- Music must be turned off during the period the premises are closed

23 The Committee are also reminded that they should only hear representation which address one of the four licensing objectives and that any representation can only be made by a person who lives or has a business interest within the vicinity of the premises.

24 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.

25 Failure to do follow any of the above could leave the Licensing Authority open to a Judicial Review.

26 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).

27 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

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

29 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.

30 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.

- 31 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

- 32 a. Application form
b. Police representation
b. 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.

[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

EH & TS / LICENSING SECTION
RECEIVED
13 NOV 2009
TA.

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.

FLEAT LTD TRADING AS ZANE RESTAURANT

I/We 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 map reference or description 9 - 13 ST OWEN STREET HEREFORD	
Post town HEREFORD	Post code HR1 2JB

Telephone number at premises (if any)

01432 266075

Non-domestic rateable value of premises

£ 33,000

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	FLEAT LIMITED TRADING AS ZANE RESTAURANT
Address	REGISTERED ADDRESS FALCONSFIELD CHURCH ROAD DUNEDON HEREFORDSHIRE HR2 6LQ
Registered number (where applicable)	6892841
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	01432 266075
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	1	1	1	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		Month		Year			

PERMANENT.

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)

THE MAIN BAR AREA IS IN THE FRONT ENTRANCE AREA LEADING TO TWO SEPERATE DINING AREAS

THE BISTRO WILL BE OFFERING DINING FOR UP TO 150 PEOPLE SEATED.

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

N/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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri						
Sat				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)		
Sun						

B

N/A

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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri						
Sat				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)		
Sun						

C

N/A

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
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 timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		Please give further details here (please read guidance note 3)
Tue					
Wed					State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur					
Fri					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 (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	1900	23.30	Please give further details here (please read guidance note 3) MUSIC WILL BE AMPLIFIED	Both	<input type="checkbox"/>
Tue	1900	23.30			
Wed	1900	23.30	State any seasonal variations for the performance of live music (please read guidance note 4) NOT ON A REGULAR BASIS FOR SPECIAL EVENTS ONLY.		
Thur	1900	23.30			
Fri	1900	23.30	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) NEW YEARS EVE ONLY		
Sat	1900	23.30			
Sun	1900	23.30			

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	0900	0200	Please give further details here (please read guidance note 3) MUSIC WILL BE AMPLIFIED	Both	<input type="checkbox"/>
Tue	0900	0200			
Wed	0900	0200	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	0900	0200			
Fri	0900	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0900	0200			
Sun	0900	0200 23.30			

G

N/A

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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					
Sun					

H

N/A

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	
				Outdoor	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri					

Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

I N/A

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

J ~~10/11~~

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	
			Both	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
			NO FORMAL AREA ; JUST ABILITY OF DINNERS TO DANCE.	

Mon	1900	23-30	Please give further details here (please read guidance note 3)
Tue	1900	23-30	
Wed	1900	23-30	State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur	1900	23-30	
Fri	1900	23-30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	1900	23-30	
Sun	1900	23-30	

K 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)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
Tue				Both
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	2300	2330	Please give further details here (please read guidance note 3)		
Tue	2300	2330			
Wed	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	2330			
Fri	2300	2330	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	2300	2330			
Sun	2300	2330			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	1100	0200	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	1100	0200			
Wed	1100	0200	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	1100	0200			
Fri	1100	0200			
Sat	1100	0200			

Sun	1100	2300	
-----	------	------	--

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

Name.....
Address.....
Postcode.....
Personal Lic.....
Issuing licensing authority (if known)..... WILTSHIRE COUNTY COUNCIL

N N/A

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	0800	0200	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)
Tue	0800	0200	
Wed	0800	0200	
Thur	0800	0200	
Fri	0800	0200	
Sat	0800	0200	
Sun	0800	23:30	

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)

NO SALE TO UNDERAGE
AUTHORISED ALCOHOL SALE BY OPS
NO ALCOHOL PERMITTED OFF THE PREMISES.
AFTER RESTRICTED TIMES.

b) The prevention of crime and disorder

CCTV - WORKS WITH THE POLICE
NO OPEN CONTAINERS
LOCKED DOORS AND WINDOWS.

c) Public safety

CCTV WORKS WITH THE POLICE
LOCKED DOORS AND WINDOWS
NO CONSUMPTION OF ALCOHOL SHALL BE PERMITTED
OUTSIDE THE FRONT OF THE PREMISES AFTER 1800
HOURS AND THE REAR AREA AFTER 2200 HRS.

d) The prevention of public nuisance

MUSIC TURNED OFF AT CLOSING TIME.
CCTV.

e) The protection of children from harm

ALL GLASS CHILD PROOF-
NO SALE OF ALCOHOL TO UNDERAGE
CCTV.

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

Date 10/11/09

Capacity

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

Signature

Date

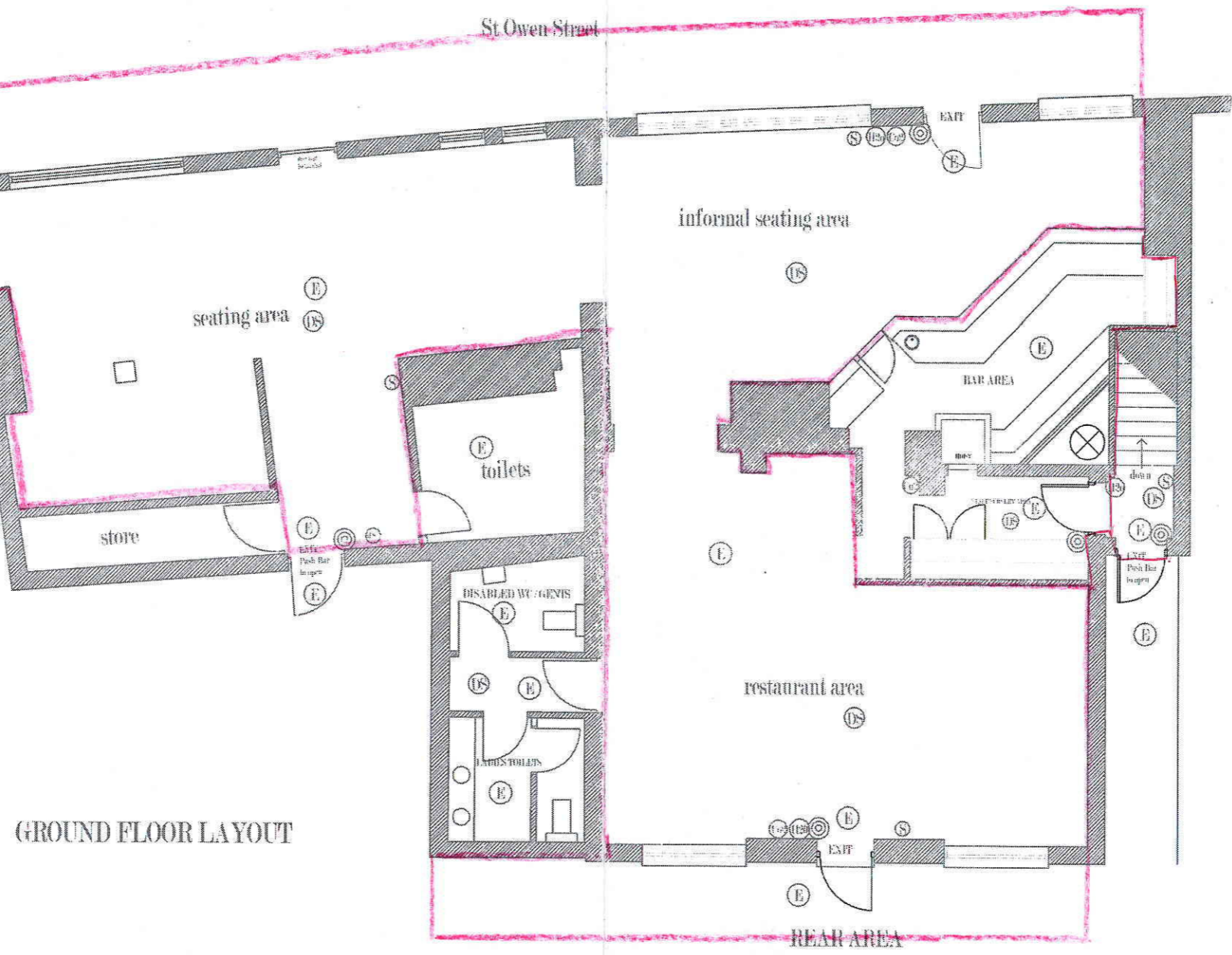
Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

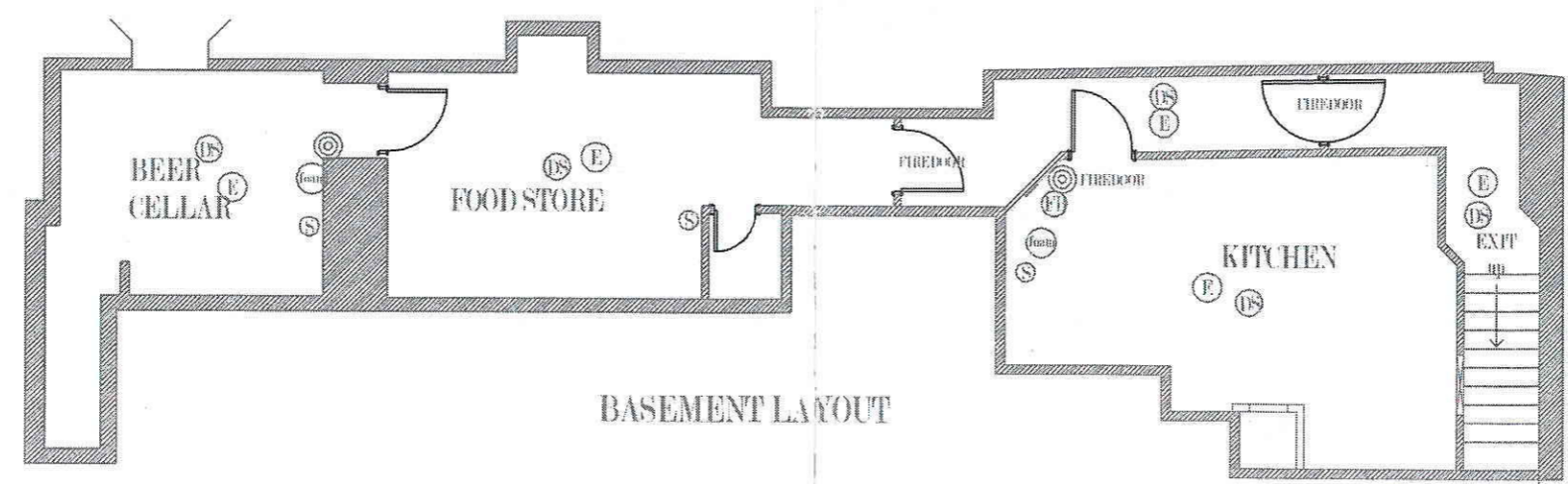
- (FB) Fire blanket
- (DS) Smoke detectors (heat detector in the kitchen)
- (W) Water type fire extinguisher
- (F) Foam type fire extinguisher
- (C) Co2 type fire extinguisher
- (E) Emergency lighting
- (CP) Fire alarm call point
- (S) Sounder

Fire doors are to be fitted with self closing devices but to be kept open with electro magnetic openers which operate off the fire alarm system. In the event of the alarm sounding the door will close.

— = hazardous area



GROUND FLOOR LAYOUT



BASEMENT LAYOUT

Fire doors are to be fitted with self closing devices but to be kept open with electro magnetic openers which operate off the fire alarm system. In the event of the alarm sounding the door will close.

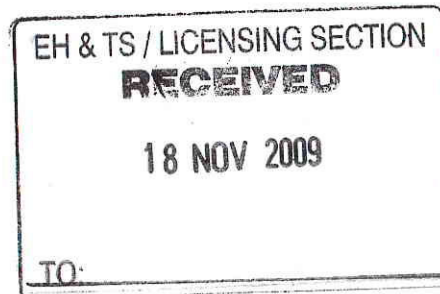
Wine Bar
9 - 13 St Owen Stre
Hereford

Licensing Department
Hereford Police Station
Bath Street
HEREFORD
HR1 2HT
Direct Dial 01432 364552

17th November 2009

Our Ref:
Your Ref:

Herefordshire Council Licensing Section
The County Office
PO Box 233
Bath Street
HEREFORD
HR1 2ZF



Dear Sir / Madam

REF: ZANE, St OWENS STREET, HEREFORD.
APPLICATION FOR PREMISE LICENCE
LICENSING ACT 2003

I refer to the above mentioned application made pursuant to the licensing act 2003, and received by the West Mercia Police on the 16th November 2009.

The application is for a new premise licence, for a building that previously was licensed and traded as Charlottes Bar.

The application is to authorise the licensable activities of the sale of alcohol, regulated entertainment and late night refreshment. The hours applied for both the sale of alcohol and regulated entertainment are substantially extended from the hours operated when the premise traded as Charlottes Bar, and are until 0200 hours 7 days a week.

I wish to make the following relevant representations for the purpose of section 35 of the act.

In order to promote the licensing objectives and in particular with a view to preventing crime and disorder, I would seek the Licensing Authority to impose the following conditions.

- The provision of CCTV which meets the requirements and expectations of the Licensing Authority and Police.
- That a capacity limit is set in accordance with the fire risk assessment.
- The provision of an incident book
- The prevention of open containers being removed from the premises, except to the outside area licensed
- The provision of registered door staff on a risk assessed basis by the premise licence holder.

The application includes two outside areas to be licensed one at the front of the premise and one at the rear.

In respect of the application to licence the area at the rear of the property the West Mercia Police would seek the licensing authority to impose the following additional conditions to that area.

- That the area be clearly defined by a substantial structure, such as a trellis fence
- That the area be covered by the CCTV system
- That the supply of alcohol is predominately ancillary to the service of a substantial table meal.

In respect of the application to licence an area in St Owens Street, at the front of the premise the West Mercia Police are mindful that the consumption of alcohol is prohibited by an order made under section 13 of the criminal Justice and Police act 2001.

If the licensing authority is to grant a licence for this section of the application the West Mercia Police would seek the following additional conditions.

- That the area be clearly defined by a substantial structure, such as a trellis fence
- That the area be covered by the CCTV system
- That the supply of alcohol is predominately ancillary to the service of a substantial table meal.
- That the supply of alcohol and the service of food are by waitress service only.
- That a terminal hour of 1800 is imposed for the use of this area for the supply and consumption of alcohol.

These are the minimum conditions the West Mercia Police would wish to see on any licence issued in accordance with this application.

The West Mercia Police are aware that the premise is located in a mixture of residential and commercial properties, and that the provision of regulated entertainment and the hours it is authorised, could have an impact on the licensing objective of the prevention of public nuisance

It is the view of the West Mercia Police, that this area of concern is best addressed by the relevant responsible authority, the environmental health department.



S G Thomas
PC697



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: ZANE RESTAURANT 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 1. Closing time much earlier than 2 am, 12 midnight would be more acceptable. Customers to leave from back exit. 2. Operating solely as a restaurant - that is no live music or dancing. Noise levels not to extend out to street level.
Protect Children from Harm As above.

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

closing date 22/12/09

EH & TS / LICENSING SECTION

RECEIVED

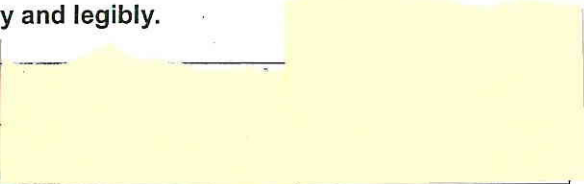
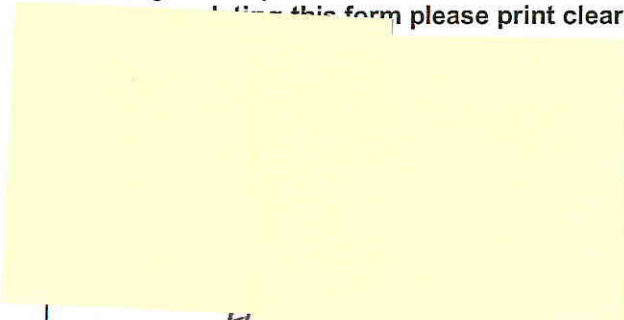
HEREFORDSHIRE COUNCIL
Licensing Act 2003

16 DEC 2009

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**

TO: 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 filling this form please print clearly and legibly.



Please state your interest in the premises you are making a representation about: eg local resident/local business

Name & Address of premises you are making a representation about:
ZANG RESTAURANT, 9-13 ST. OWEN ST.
HEREFORD HR1 2JB

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
The proposed late opening and extended bar license could, from the noise of customers leaving at late hours, constitute a public nuisance. These changes would mark a significant move away from the existing planning consent as a restaurant to that of a bar + not in keeping with St Owen's St as a conservation area. The noise from live and recorded music could present a similar nuisance.

To Protect Children from Harm
We have two young children whose bedrooms front on to St Owen's St. These proposed changes could significantly interfere with their sleep.

Signed:
Date:
ELI REPRE- 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

EH & TS / LICENSING SECTION

RECEIVED

18 DEC 2009

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

TO:

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.

[Redacted area]

Please state your interest in the premises you are making a representation about: (e.g. local resident/visitor/business)

Neighbour

Name & Address of premises you are making a representation about:

Zare Restaurant, 9-13 St Owen Street
Hereford HR1 2JB

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

We welcome the use of this premises opposite ours as

Public Safety

a restaurant. (It is so much better than to have it empty.)
But we are apprehensive of

To Prevent Public Nuisance

noise nuisance to neighbors if dancing and music continues after midnight.

To Protect Children from Harm

Signed:

Date:

ELI REPRE

[Redacted signature area]

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

