

AGENDA

Regulatory Sub Committee

Date: **Wednesday 29 September 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

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

Agenda for the Meeting of the Regulatory Sub Committee

Membership **Councillor JW Hope MBE**
 Councillor GA Powell
 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 VARIATION TO A PREMISES LICENCE '2 MEADOW CLOSE, WITHINGTON, HEREFORDSHIRE, HR1 3RR.'	1 - 6
To consider an application for the variation of a premises licence in respect of Withington Village Stores, 2 Meadow Close, Withington, Herefordshire, HR1 3RR.	
Background Papers - Withington Stores - Application Form	7 - 26
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6. APPLICATION FOR A NEW PREMISES LICENCE 'JAMSTAND 2010, CAROLINE SYMONDS GARDENS, ROSS ON WYE.'	29 - 34
To consider an application for a temporary premises licence in respect of the Jamstand 2010, Caroline Symonds Gardens, Ross on Wye.	
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YOU HAVE A RIGHT TO: -

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

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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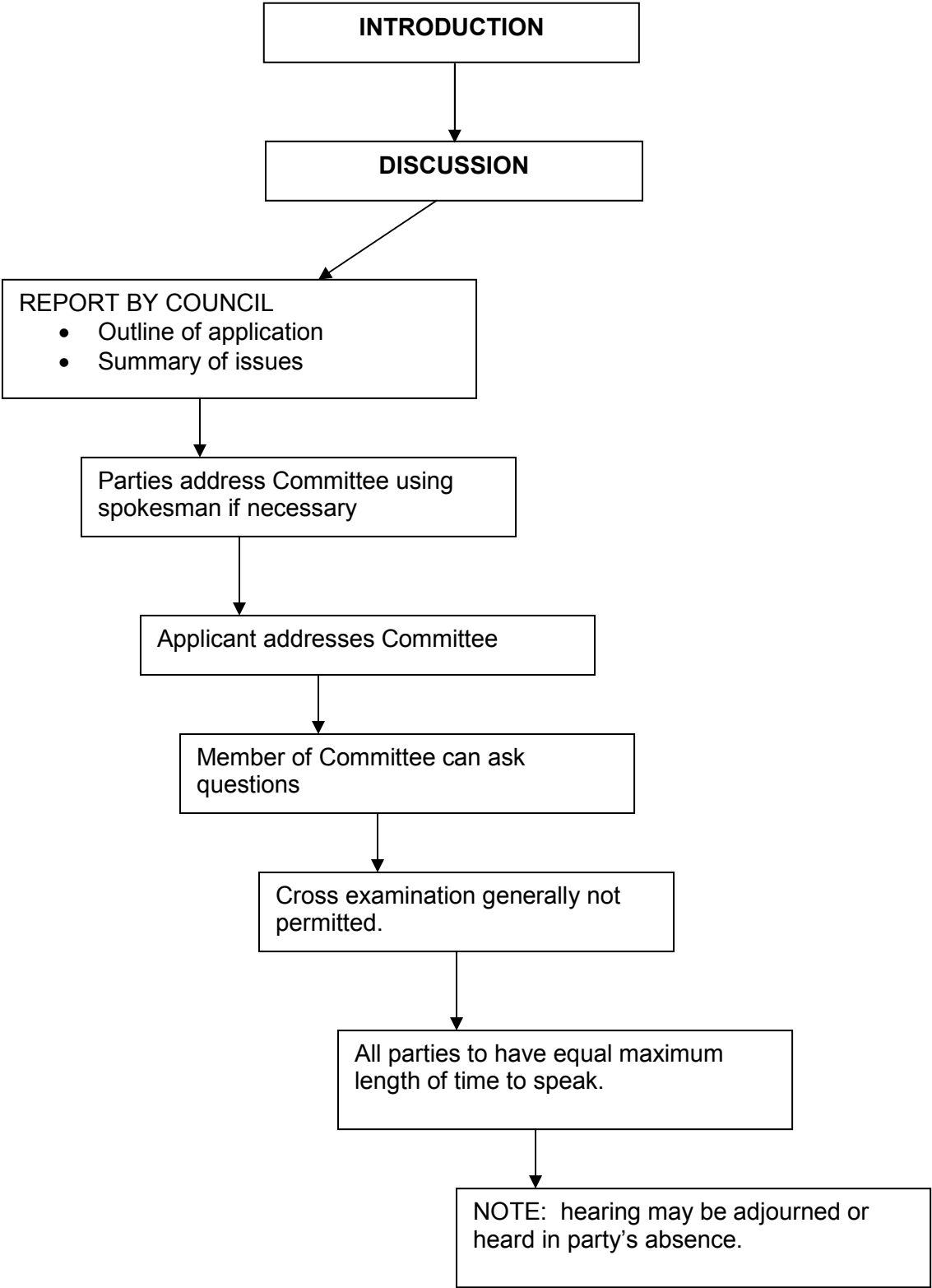
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB - COMMITTEE
DATE:	29 SEPTEMBER 2010
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'WITHINGTON VILLAGE STORES, 2 MEADOW CLOSE, WITHINGTON, HEREFORDSHIRE, HR1 3RR.' Licensing ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Withington

Purpose

To consider an application for the variation of a premises licence in respect of Withington Village Stores, 2 Meadow Close, Withington, Herefordshire, HR1 3RR.

Key Decision

This is not a key decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- One public representation against the application.
- No 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,
- 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	Craig Justin Bradbury Nestcliffe House, Fields Yard, Plough Lane, Hereford. HR4 0EL.	
Solicitor	N/A	
Type of application: Variation Application	Date received: 17/08/10	28 Days consultation 13/09/10

Licence Application

- 4 The application for a variation to the premises licence has received representation and is therefore brought before the committee for determination.

Current Licence

- 5 The current licence authorises the sale of alcohol by retail (off the premises) between the hours: -
Monday – Friday 07:00 – 20:00
Saturday 08:00 – 20:00
Sunday 08:00 – 16:00

Summary of Application

- 6 The application is for the supply of alcohol (off the premises) between the hours of 0600 to 2200 hours on all days of the week.

Summary of Representations

- 7 A copy of the representation can be found within the background papers.
- 8 No representations have been received from the Responsible Authorities.
- 9 One local resident has made a representation against the application.

Key Considerations

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

Community Impact

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

Legal Implications

- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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'.
- 17 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'.

- 18 The conditions offered by the applicant will translated and the following conditions will be attached to the licence by the Licensing Authority.

General

All staff must have undertaken and successfully passed the company's licensing examination within a 12 month period.

Prevention of Crime and Disorder

At all times that the premises are open for the sale of alcohol, CCTV must be in operation which must meet the expectations of the Licensing Authority and Police.

Public Safety

Person under the influence of alcohol must be banned from the premises.

Prevention of Public Nuisance

Liaison must take place with the police and local community on a regular basis

Protection of Children from harm

Challenge 25 must be in operation at the premises

No child must be allowed near the alcohol

- 19 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).

20 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

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

22 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.

23 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.

24 The applicant has produced a copy of that advertisement which is correct.

Appendices

25 a. Public Representation

Background Papers

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

RECEIVED

30 JUN 2010 Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

TO:

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

CRAIG JUSTIN BRAOBURY

(Insert name(s) of applicant)

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

Premises licence number

PR 01181

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

WITHINGTON VILLAGE STORES
2 MEADOW CLOSE
WITHINGTON
HEREFORDSHIRE

Post town

Post code

HR1 3RR

Telephone number at premises (if any)

(01432) 851777

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact telephone number

0797 0193 244

E-mail address (optional)

Current postal address if different from premises address

NESTCUFFE HOUSE
FIELDS YARD
PLOUGH LANE
HEREFORD

Post Town

Postcode

HR4 0EL

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND THE LICENCING & HOURS
OF THE STORE IN ORDER TO
FULFILL THE NEEDS OF THE LOCAL
COMMUNITY, ~~AND~~ WHICH HAS BEEN
CONSULTED AND WOULD LIKE THE
SHOP OPEN LONGER.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for 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 at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

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

I

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

J

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

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
			Both	<input type="checkbox"/>	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0600	2200			
Tue	0600	2200			
Wed	0600	2200			
Thur	0600	2200			
Fri	0600	2200			
Sat	0600	2200			
Sun	0600	2200			
			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)		

N

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

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0600	2200	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0600	2200	
Wed	0600	2200	
Thur	0600	2200	
Fri	0600	2200	
Sat	0600	2200	
Sun	0600	2200	

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

Please tick yes

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

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

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

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

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

We run a very strict over 25 rule with all members of staff having to successfully pass two separate licensing examinations in a 12 month period.

b) The prevention of crime and disorder

We have a successful monitored CCTV systems which is continually monitored from a local head office, this conforms to all DATA PROTECTION regulations

c) Public safety

The CCTV system helps to prevent disorder and overcrowding and allows us to monitor any problems at a early stage.

Persons under the influence of alcohol ^{will be} ~~or~~ refused and persons banned from any licenced premises will be banned.

d) The prevention of public nuisance

Refusing people under the influence of alcohol helps to reduce any nuisance.

Groups of people are not permitted in or near the store.

Constant liaison with the local Police and community groups will help.

e) The protection of children from harm

Children are to be kept away from the alcohol and only sober well behaved persons would be allowed in the store, again preventing any harm to any children.

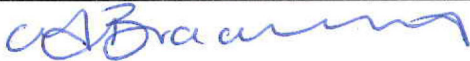
Please tick yes

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

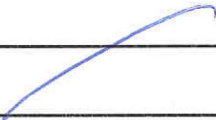
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)


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

Signature	
Date	27/7/10
Capacity	owner

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

Signature	
Date	
Capacity	

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

			
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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)			

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09 SEP 2010

**HEREFORDSHIRE COUNCIL
Licensing Act 2003**

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: 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.

Your Name: MRS J. HOWARD	Contact Telephone No. 01432-851505-
Address: WHISTLEDOWN STORM - WITHIES ROAD WITHINGTON, HEREFORD. HR1 3PX.	E-mail address: _____
Please state your interest in the premises you are making a representation about: eg local resident/local business CLOSE LOCAL RESIDENT	
Name & Address of premises you are making a representation about: WITHINGTON VILLAGE STORES, 2 MEADOW CLOSE, WITHINGTON, HEREFORD - HR1 3RR.	

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 YOUNG PEOPLE ALREADY HANG AROUND & PLAY OUTSIDE THE SHOP NOW, AND HAVE BEEN SEEN THROUGHING THINGS AT THE SHOP - + WE HAVE ALREADY HAD PROBLEMS IN THE PAST SOMEONE DRUNK & HANG ROUND OUTSIDE THE SHOP -
Public Safety YOUNG CHILDREN & TEENAGER ARE HANGING AROUND THE SHOP DURING OPENING HOURS WITH NO CONSIDERATION TO THE TRAFFIC ON THE ROADS - SO LONGER OPENING HOURS - WILL ADD TO THIS -
To Prevent Public Nuisance WE ALREADY HAVE NOISANCE FROM THE SHOP - ie, LORRY DELIVERYS - CAR DOORS SLAMMING - CHILDREN SHOOTING BAD LANGUAGE - PLUS CONSTANT LETTER PROPPING OUTSIDE THE SHOP & UP THE ROAD -
To Protect Children from Harm WE HAVE A PLAY AREA NEXT TO THE SHOP FOR YOUNG CHILDREN & ON THE PAST A DRUNK WHO HAD BEEN BUYING FROM THE SHOP WAS LAYED IN THE GRASS NOT FROM THE PLAY AREA - PLUS IT WILL ENCOURAGE MORE UNDER AGE DRINKING -

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



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: WITHINGTON VILLAGE STORES Your name: MRS J. HOWARD

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	

NO CHANGES TO PRESENT
OPENING HOURS

Signed: J.E. Howard
Date: 8th September 2010

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

MEETING:	REGULATORY SUB - COMMITTEE
DATE:	29 SEPTEMBER 2010
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE 'JAMSTAND 2010, CAROLINE SYMONDS GARDENS, ROSS ON WYE.' LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ross-on-Wye & Llangaron

Purpose

To consider an application for a temporary premises licence in respect of the Jamstand 2010, Caroline Symonds Gardens, Ross on Wye.

Key Decision

This is not a key decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- It is a 'one-off' temporary premises licence.
- Licensed for 3 days (2 October to 4 October 2010).
- Licensed for up to 4,999.
- There have been representations from 'Responsible Authorities' which have not been withdrawn.
- No representations from interested parties.

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

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Jamstand Festival 88D, Hotwell Road, Bristol, BS8 4UB	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New Application	14/08/10	10/09/10

Licence Application

- 4 The application for a new premises licence has received representations from the Police, Environmental Health officer (Commercial), Environmental Health Officer (Pollution) and the Fire & Rescue Authority.

Summary of Application

- 5 The application is for a time limited licence to operate between 2 October to 4 October 2010.
- 6 The licensable activities applied for (all indoors and outdoors) are as follows, during the times shown: -
Live music, recorded music, performance of dance, anything of similar nature to live/recorded music or performance of dance, provisions for making music and provision of facilities for dancing: -

Friday (2 Oct); 12:00 – 00:00

Saturday (3 Oct); 12:00 – 00:00

Provision of Late Night Refreshment: -

Friday (2 Oct); 23:00 – 23:45

Saturday (3 Oct); 23:00 – 23:45

Sale by retail of alcohol: -

Friday (2 Oct); 12:00 – 23:45

Saturday (3 Oct); 12:00 – 23:45

Premises to be open to the public:-

Friday (2 Oct); 12:00 – 00:30

Saturday (3 Oct); 12:00 – 00:30

Summary of Representations

- 7 Copies of the representations and suggested conditions can be found within the background papers.
- 8 Representations have been received from the Environmental Health Officer (Pollution), the Environmental Health Officer (Commercial), the Police and the Hereford & Worcester Fire and Rescue Service.
- 9 The conditions suggested by the two Environmental Health Officers have been agreed but no agreement, at this time, has been reached in relation to the Police and Fire Authority representation. The representation made by the police is given as Appendix (b). The representation made by the Fire Authority is given as Appendix (c).

Interested Parties

- 10 No representations were received from any interested party.

Key Considerations

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

Community Impact

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

Legal Implications

- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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'.
- 18 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'.
- 19 The conditions offered by the applicant will be translated and the following conditions will be attached to the licence by the Licensing Authority.

Prevention of Crime and Disorder

SIA registered door staff will be on site during the times that licensable activities take place on the licensed premises.

Stewards will be on site during the times that licensable activities take place on the licensed premises.

Public Safety

The premises licence holder will check that all electrical installations are certified by a competent electrician.

Copies of the certificates will be made available to Herefordshire Council prior to the use of facilities.

The Premises Licence Holder must take all reasonable steps to ensure that all temporary structures are suitable and fit for their intended purpose and installed in accordance with the competent contractor's plans.

Completion certificates will be provided to Herefordshire Council prior to the use of structures

Prevention of Public Nuisance

The sound pressure levels must be constantly monitored by Event Control throughout the duration of the event

Protection of Children from harm

Challenge 25 must be in operation at the premises and suitable signs to convey this must be displayed.

- 20 The attention of the Committee is drawn to The Regulatory Reform (Fire Safety) Order 2005 section 43 which in effect states that: -

At any time when this Order applies in relation to the premises, any term, condition or restriction imposed by the licensing authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Order.

- 21 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).

- 22 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

- 23 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 24 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.
- 25 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.
- 26 The applicant has not produced a copy of the advertisement required by the legislation.

Appendices

- 27
 - a. Application Form
 - b. Representations from the Police
 - c. Representations from Fire Authority

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.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
CAROLINE SYMONDS GARDENS WYE STREET ROSS-ON-WYE GRID REFERENCE: SO 594239	
Post town	Post code
HR9 ROSS-ON-WYE	HR97BT

Telephone number at premises (if any)

_____ / _____

Non-domestic rateable value of premises

£ 0

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)

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TO:

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick
✓ yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS.

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

Name	JAMSTAND FESTIVAL
Address	88D, HOTWELL ROAD, BRISTOL, BS84UB
Registered number (where applicable)	
Description of applicant (for example partnership, company, unincorporated association etc)	NON-PROFIT ORGANISATION
Telephone number (if any)	07974401230
E-mail address (optional)	Jamstandfestival@hotmail.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	2	10
2	0	10

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

Day	Month	Year
0	4	10
2	0	10

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

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

PUBLIC BANDSTAND, SURROUNDING GARDENS, OPEN GREEN FIELD SITE

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

Please tick ✓ yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			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				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [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				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

			<u>Both</u>	

			<u>Please give further details here</u> (please read guidance note 3)	

			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	

			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3) LIVE BANDS / ACTS PERFORMING ON STAGE WITH AMPLIFIED MUSIC	Both	Y	
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri						
Sat	12:00	00:00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	00:00				

F

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

G

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

H

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

Sat	12:00	00:00	<p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Sun	12:00	00:00	

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	Y
Day	Start	Finish	Please give further details here (please read guidance note 3) DJ EQUIPMENT/SOUND EQUIPMENT	
Mon				
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	12:00	00:00		
Sun	12:00	00:00		

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	
			Outdoors	
			Both	Y
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	

Mon			Please give further details here (please read guidance note 3) DANCE FLOOR
Tue			
Wed			
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Fri			
Sat	12:00	00:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun	12:00	00:00	

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both Y
Tue			Please give further details here (please read guidance note 3)	
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	12:00	00:00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun	12:00	00:00		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) FOOD VANS/CATERING UNITS ON SITE	Both	Y
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri		2			
Sat	23:00	23:45	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)		
Sun	23:00	23:45			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	Y
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12:00	23:45			
Sat	12:00	23:45			

Sun	12:00	23:45	
-----	-------	-------	--

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

Name: ~~STIMOTHY BALDUS~~ TINA WENDY JONES

Address: ~~27 BARNHURST ROAD, ROSS-ON-WYE, HEREFORDSHIRE~~
1 HILL VIEW ROAD, ROSS-ON-WYE, HEREFORDSHIRE

Postcode: ~~HR97AN~~ HR97EY

Personal Licence number (if known) 1228

Issuing licensing authority (if known) HEREFORDSHIRE COUNCIL

N

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

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon			<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat	12:00 12:00	00:00 00:30	
Sun	12:00 12:00	00:00 00:30	

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)

[Empty box for general licensing objectives]

b) The prevention of crime and disorder

SIA REGISTERED SECURITY STAFF WILL BE PRESENT ON SITE THROUGHOUT THE ENTIRE DURATION OF THE EVENT, ALONGSIDE STEWARDS AT ALL TIMES

c) Public safety

SIGN OFF CERTIFICATES (ELECTRICAL, STRUCTURES WHICH ARE DEMOUNTABLE, RISK ASSESSMENTS, FIRE RISK ASSESSMENTS). SIA REGISTERED SECURITY STAFF AND STEWARDS PRESENT ON SITE AT ALL TIMES, WELFARE AND LOST CHILD POINT WITH CRB CHECKED STAFF

d) The prevention of public nuisance

CONSTANT MONITORING OF SOUND PRESSURE LEVELS BY EVENT CONTROL THROUGHOUT ENTIRE DURATION OF EVENT.

e) The protection of children from harm

SUITABLE SIGNS ADVERTISING AGE RESTRICTION AND "CHALLENGE 25".

Please tick ✓ yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature Jack Baldus

Date 10-08-10

Capacity COMPANY DIRECTOR

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)	
JACK BALDUS 880 HOTWELL ROAD BRISTOL	
Post town <u>BRISTOL</u>	Post code <u>BS84UB</u>
Telephone number (if any) <u>07974401230</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) _____	



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Chief Fire Officer/Chief Executive M Yates QFSM MA MCGI DMS MIFireE
Hereford & Worcester Fire and Rescue Service Headquarters
2 Kings Court Charles Hastings Way Worcester WR5 1JR
Tel 0845 12 24454 Fax 01905 357 466 Web www.hwfire.org.uk

L.Act2

Mr J Baldus
88D Hotwell Road
Bristol
BS8 4UB

Telephone 01432 347030
Your reference
My reference NPW4400495
Please ask for Neil Pigott
Date 14 August 2010

Dear Sir

**Fire Precautions
Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005**

Jamstand Festival 2010 – Caroline Symonds Gardens

Further to the application dated 10th August 2010 for the grant of a premises licence in respect of the above event, this Authority objects to the granting of the said application on the grounds of public safety. The matters giving rise to this objection are detailed on the attached Schedule.

However, should the matters be satisfactorily rectified and this Authority given at least five working days notice prior to the date of the hearing, the objection will be withdrawn.

Yours faithfully

Neil Pigott
District Fire Safety Manager

Copies emailed to licensing@herefordshire.gov.uk and janetprice@herefordshire.gov



PREVENTION PROTECTION INTERVENTION
To make Herefordshire and Worcester a safer place for you, we need your help. We will be working with you to prevent fire.



FIRE PRECAUTIONS

LICENSING ACT 2003

Regulatory Reform (Fire Safety) Order 2005

Jamstand Festival, Caroline Symonds Gardens, Ross on Wye

SCHEDULE

Failures

1. The applicant has not provided the Fire and Rescue Authority sufficient information with regard to the use of the Big Top. Specifically the following is not known from the plans supplied:-
 - The location of the 'Big Top' marquee within the whole site and to what use it is being put
 - The location and dimensions of alternative exits for use in the event of fire
 - The location of emergency lighting units and back-up power source details (in the event of failure of the primary power supply)
 - The means for raising the alarm in the event of fire
 - The means for cutting the power supply to performers or other amplified sound in the event of fire
 - The maximum capacity for the Big Top appears to have been calculated on the basis of clear floor area without regard to the number, distribution and width of fire exits.
2. The above failures are an indication that the fire risk assessment and fire safety arrangements for this event may not be suitable and sufficient; and that there is a lack of competent safety assistance available to the organisers.

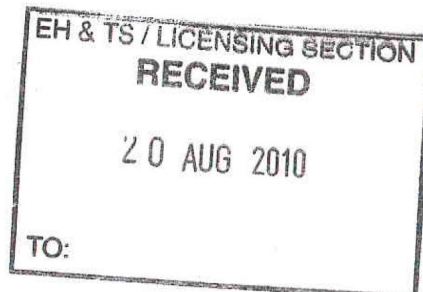
Required Actions prior to any withdrawal of the Fire and Rescue Authority's objection to granting of the licence:-

1. **The applicant or other responsible person must undertake a suitable and sufficient fire risk assessment and record the significant findings. This will include an assessment of the adequacy of existing measures to control risk in the event of fire; for example, the adequacy of existing escape routes and the maximum numbers of persons that could be safely evacuated in the event of fire, the adequacy of emergency escape lighting and escape signage, the adequacy of the means for detecting and raising the alarm, the suitability of means for extinguishing fire, measures for action to be taken in the event of fire, and measures relating to the instruction and training of stewards and other employees.**
2. **The applicant or other responsible person must give effect to appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures identified as necessary through your fire risk assessment. A record of these arrangements must be made and supplied to this Fire and Rescue Authority**
3. **The applicant or other responsible person must appoint a competent person or persons to assist in the undertaking of preventive and protective measures. Such a person will have sufficient training, experience or knowledge to assist in carrying out this role.**

Hereford Police Station
Licensing Department
Bath Street
Hereford. HR1 2HT



Direct Dial: 01432 347102
Fax:



18 August 2010

Herefordshire District Council
Licensing Section
County Offices
PC Box 233
Hereford HR1 2ZF

Dear Sir/Madam

Ref – **JAMSTAND, CAROLINE SYMONDS GARDENS**
Application for premise licence – Licensing Act 2003

I refer to the above application, made pursuant to section 17 of the Licensing Act 2003. This application was received by West Mercia Police on the 10 August 2010.

The application is for a premise licence, in the open space known as Caroline Symonds Gardens, at Wye Street, Ross on Wye.

The application is to allow the licensable activities of regulated entertainment, the provision of late night refreshment and the sale by retail of alcohol, over the weekend of 2-4 October 2010. However it is clear from the actual application that these activities will only place up until 2400hrs (midnight) on the 03 October 2010.

Back ground

The applicant has run this event for a number of years. In 2007 and 2008 it was run as one day music events utilising a temporary event notice. In 2009 the event was run over a two day period and was granted a premise licence with conditions after a Regulatory Committee hearing. In all the years the applicant has run this event, West Mercia Police has asked the applicant to speak to them in plenty of time so they can assist him in his application. The applicant has not taken up this offer.

This year the event was scheduled initially to run over the weekend of 13-15 August 2010. The event has been subject to much debate in the media (newspapers, television and internet web sites). No application was received by West Mercia Police for this event and therefore it is not licensed. Limit contact has been made by the applicant to assist this process despite

NOT PROTECTIVELY MARKED



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

West Mercia Police has serious concerns over the management and lack of details on the application for this event with regards to all aspects of the licensing objectives – in particular dealing with crime and disorder and public safety.

However given the limited information provided, West Mercia Police would if the licensing authority were to grant a licence seek the following conditions.

- Provision of a suitable and sufficient event management plan.
- Provision of a suitable and sufficient traffic management plan.
- Provision of SIA registered security staff on a risk assessed basis
- Provision of safety stewards on a risk assessed bases
- Provision of systems to control the numbers of persons in the area(s) where alcohol will be provided and consumed.
- Provision of glass containers and toughened glass for all drink sales on site
- Provisions of systems in place to ensure that any other drinking vessels that are brought on site and disposed off when empty in suitable receptacles'.
- Provision to suitable lighting in and around areas where alcohol and late night refreshment is provided
- That capacity of 4999 be set for the premise licence and that the premise licence holder has proven methods in place to control the numbers entering the site.

The area concerned is a mixture of mainly residential and some commercial premises. There no doubt be concerns over environmental (noise, sanitary etc) issues. These are dealt with by the appropriate authority.

Further to all these issues mentioned it is the view of West Mercia Police that these and any other matters that require to be addressed are best dealt with through a safety advisor group committee being set up as a matter of urgency.

These are the minimum conditions that West Mercia Police would seek on this application.



J Mooney
Police Licensing Officer

CC Jamstand