

AGENDA

Regulatory Sub Committee

Date: **Wednesday 27 October 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 Brig P Jones CBE

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. VARIATION TO PREMISES LICENCE 'BREWERY INN, BYE STREET, LEDBURY, HR8 2AG.'	1 - 6
To consider an application for the variation of a premises licence in respect of the 'Brewery Inn, Bye Street, Ledbury, HR8 2AG'.	
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6. FULL REVIEW HEARING FOLLOWING INTERIM STEPS 'CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX.'	33 - 38
To consider a full review of a premises licence following an expedited review and representation against the interim steps in respect of the Crown & Sceptre Inn, Market Place, Ross-on-Wye, HR9 5NX.	
Background Papers - Crown & Sceptre - Police Representation	39 - 40
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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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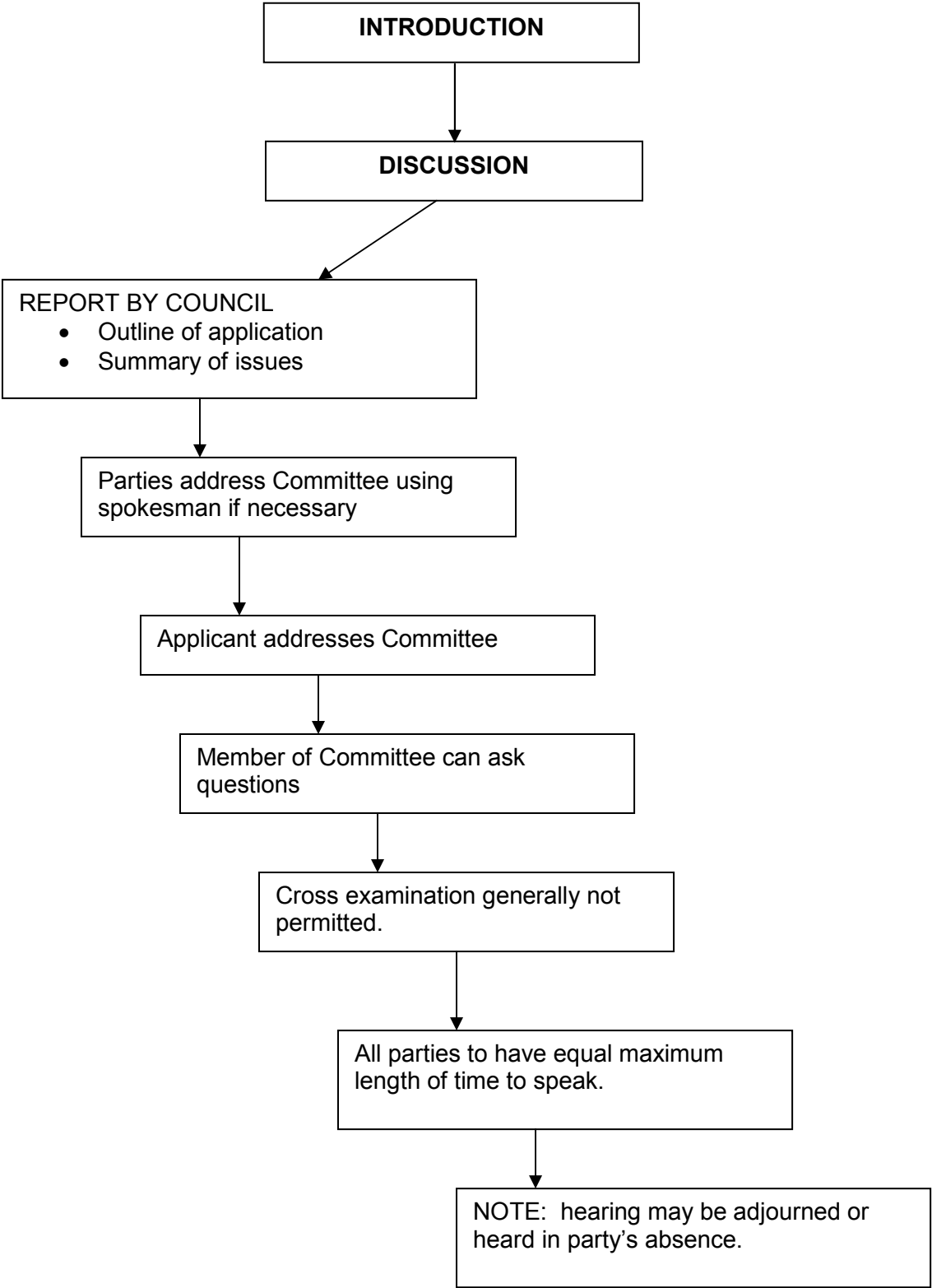
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	27 OCTOBER 2010
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'BREWERY INN, BYE STREET, LEDBURY, HR8 2AG.' - LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR - ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for the variation of a premises licence in respect of the 'Brewery Inn, Bye Street, Ledbury, HR8 2AG'.

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

- 1 Public Representation against the application
- No Representations from the Responsible Authorities

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

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Michael Peter Dean Brewery Inn, Bye Street, Ledbury, HR8 2AG.	
Solicitor	Andrew Cochran – Flint Bishop LLP	
Type of application: Variation	Date received: 3/09/10	28 Days consultation 30/09/10

Licence Application

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

Current Licence

- 5 The current licence authorises: -

Any playing of recorded music; Sale by retail of alcohol

Sunday-Thursday: 11:00 - 23:00

Friday-Saturday: 11:00 - 00:00

Provision of late night refreshment

Monday-Sunday: 23:00 - 00:00

Non Standard Timings:

Until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Years Eve: 10:00 to New years Day - terminal hour as proposed.

Summary of Application

- 6 The application applies for the following licensable activities during the hours shown (all indoors): -

Live Music, Any playing of recorded music; Sale by retail of alcohol (on & off premises)

Sunday-Thursday: 10:00 - 00:00
Friday-Saturday: 10:00 – 01:00

Provision of late night refreshment

Sunday-Thursday: 23:00 - 00:00
Friday & Saturday: 2300 – 01:00

Non Standard Timings:

Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing Day 10:00 – 01:00.

The application also applies to remove the following condition shown on the licence:

GAS INSTALLATIONS

The gas installation shall hold a current safety certificate signed by, a member of the Council for Registered Gas Installers (CORGI).

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 1 Local resident has made 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 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).

- 18 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

- 19 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 20 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.
- 21 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.
- 22 The applicant has produced a copy of that advertisement which is correct.

Appendices

- 23 a. Public Representation
b. Application Form

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.

Application to vary a premises licence 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 Michael Peter Dean

(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 PR00066

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Brewery Inn Bye Street			
Post town	Ledbury	Post code	HR8 2AG

Telephone number at premises (if any)	01531 634272
Non-domestic rateable value of premises	£12500

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

EH & TS / LICENSING SECTION
RECEIVED
02 SEP 2010
TO:

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)

We wish to vary the hours for recorded music and the sale by retail of alcohol so that the permitted hours will be Sunday - Thursday 10:00 - 00:00, Friday and Saturday 10:00 - 01:00, Sunday and Monday at bank holiday weekends, christmas eve and boxing day 10:00 - 01:00 Late night refreshment to be allowed at the premises Monday to Thursday 23:00 - 00:00, on Friday and Saturday, Sunday and Monday at Bank holiday weekends, Christmas Eve and Boxing Day the terminal hour will be 01:00.

We wish to add live music as a licensable activities between the following hours Monday - Thursday 10:00 to 00:00. Friday and Saturday 10:00 to 01:00. Sunday and Monday at bank holiday weekends, Christmas Eve and Boxing Day 10:00 to 01:00. New Years Eve 10:00 to normal closing time New Years Day.

We wish to remove the following conditions: "a current inspection certificate should be held for all electrical installations in accordance with BS7671 and BS52266-1" and "The gas installation shall hold a current safety certificate signed by a member of the Council for Registered Gas Installers (CORGI)

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

0

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

Provision of entertainment facilities:

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

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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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)		
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"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Wed						
Thur			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)			
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	00:00			
Tue	10:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10:00	00:00			
Thur	10:00	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) Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day 10:00 - 01:00		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	01:00	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 (please read guidance note 5) Sunday and Monday at Bank Holiday Weekends, Christmas Eve and Boxing Day 10:00 - 01:00		
Sat	10:00	01:00			
Sun	10:00	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 (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						
Wed					State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur						
Fri						
Sat					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)	
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

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)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<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)	

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"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	00:00			
Thur	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day 10:00 - 01:00		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	00:00			

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day 10:00 - 01:00		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

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 days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	00:30	<p><u>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</u> (please read guidance note 5)</p> <p>Sunday and Monday Bank Holiday Weekends, Christmas Eve and Boxing day 10:00 - 01:30</p> <p>When the clocks move forward at British Summertime, the terminal hour will adjust accordingly</p>
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

We wish to remove the following condition: "a current inspection certificate should be held for all electrical installations in accordance with BS7671 and BS52266-1" and "The gas installation shall hold a current safety certificate signed by a member of the Council for Registered Gas Installers (CORGI)

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)

No further conditions are offered.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


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	31-8-10
Capacity	Solicitor

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	t

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

Andrew Cochrane
 Flint Bishop LLP
 St Michael's Court
 St Michael's Lane

Post town	Derby	Post code	DE1 3HQ
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Telephone number (if any)	01332 226151
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
 nikki.rennie@flintbishop.co.uk.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



EH & TS / LICENSING SECTION
RECEIVED
 23 SEP 2010
 TO:

**Representation Form – Interested Parties
 Suggested Conditions**

Premise: THE BREWERY PUBLIC HOUSE Your name: G.K. STILES (MRS.)

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 THE PUB WANT TO EXTEND THEIR HOURS TO PAST MID-NIGHT - THE OTHER PUBS IN TOWN HAVE DRUNKARDS WHO ARE VERY NOISY - THIS PLACE IS A QUIET ECHO-CHAMBER OF RESIDENCES AND THE LOCAL HOSPITAL

Public Safety

Prevent Public Nuisance THE PUBLICANS ALSO WANT LIVE MUSIC AND ONE-MAN BANDS - THE PUB IS TOO SMALL - IT IS ABOUT 6 YARDS FROM MY DOOR AND WINDOWS - WILL THEY HAVE PERCUSSION THINGS AND AMPLIFIERS? THEY WANT TO OPERATE THE NOISE JUST INSIDE THE DOOR - WE CAN HEAR ENOUGH WHEN THEIR CLIENTS COME OUT FOR A CIGARETT OR USE THE MOBILE PHONES

Protect Children from Harm

Signed: G.K. Stiles
 Date: 26-Sept. 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

PLEASE ALSO SEE THE ATTACHED LETTER

HEREFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM – INTERESTED
PARTIES

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

When completing this form please print clearly and legibly.

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

Your Name: <i>G. K. STILES (MRS.)</i>	Contact Telephone No. <i>01531 630 196</i>
Address: <i>74, BYE STREET, LEDBURY, HEREFORDSHIRE HR8 2AG</i>	E-mail address: <i>/</i>
	Please state your interest in the premises you are making a representation about: eg local resident /local business <i>/PUBLIC HOUSE</i>
Name & Address of premises you are making a representation about: <i>THE BREWERY BYE STREET, HR8 2AG.</i>	

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

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

To Prevent Crime & Disorder <i>DISORDER IN THE FORM OF DRUNKENNESS AND NOISE NUISANCE</i>
Public Safety
To Prevent Public Nuisance <i>NOISE NUISANCE AND COOKING SMELLS POSSIBLE</i>
To Protect Children from Harm

Signed: *G. K. Stiles*
Date: *26-Sept-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



G.K. Stiles,
74, Bye Street,
Ledbury,
Herefordshire,
HR8 2AG.
24th. September, 2010

With reference to the Change of Conditions of operation of the Public House called "The Brewery", in Bye Street, Ledbury, Herefordshire, HR8 2AG

The Public House in question is a nicely run, quiet and orderly, premise. The talk and chatter that can quite clearly be heard when the clientele are out side the front door, on the pavement, having a smoke, using their mobile telephones and just chatting between their selves, is an interference we live with.

As very near neighbours it is understood that the present landlords wish to build up the business, they have been there about 12 months now and have been VERY successful in that aim. The Brewery public house is in a residential area. It is a quiet residential area which is also a conservation area. We need our peace conserved, please. The Youth Club next door causes no problems, even when they have band practice with their doors open, and my windows are open, they are hardly noticed, but what goes on at the pub is noticed even now.

I wish to lodge my objections to

A: The removal of the requirement for safety checks on both the Gas and Electricity supplies; that sounds daft, and is daft.

This is a business premises - safety checks are an essential. When the chip shop at the end of the terrace went up, it took lives with it and in the Fire Service is still known as "The Ledbury Incident". We don't really want a repeat of that, do we?

B: Live music in the pub just over the road?

The premises' is about six yards from my back door and back windows. No thank you. The acoustics in this part of the town are on a par with the Royal Albert Hall or, perhaps, the Opera House in Sydney, Australia. I have been in both so I do know what I am making comparisons with. Sounds and noises of voices, music from passing cars, passing cars with no music, Mums with their toddlers, children to and from school, youngsters to and from the town pubs, etcetera ad infinitum, travel very well and very clearly. Even on a foggy night we can hear every thing at both front and back of these premises.

C: Live music usually includes microphones and amplifiers.

If it happens I trust there will be a ban on such mechanical devices? Any way, the place is too small to need them and their acoustics do not require such implements.

D. The landlords are talking of having "One Man Bands"

Percussion instruments are deafening at the best of times and I do not see why I, or any-one else, should be driven out of my/their house by noise nuisance. I have no wish to need to use ear plugs in my own home just because of some-one else having a desire to almost deafen the clients who they have in side and the passing public. We get more than enough of loudness when pub goers go home from the town pubs and they are capable of waking us with their shouting and bawling. But ten or twenty minutes worth is not like several hours of it.

Please to also remember the hours of quiet, by law, are from 11 at night until 7 in the morning. The dust cart and road sweepers are often around between 6 a.m. and 6.30 and that usually wakes us up. Personally, I have no wish to be kept awake by rowdiness from any source, especially when it can be avoided.

As a further example of how we can hear what goes on in the pub, when the football was on a couple of months ago (was it something to do with the World Cup?) I went in there and asked them to turn down the volume, it was reduced a little, but with reluctance. They have a long, or deep, premise and instead of putting the noise and television screen at the back of the pub, away from their neighbours, they had it on the outside wall six yards away. The walls of all these premises are single, not double, therefore there is greater transfer of sound through said walls. Perhaps the bar staff wanted to watch the football while they worked?

E. The hours of business

At present The Brewery lock the door at 11 p.m. Those clients already in can stay, others who may drift down from the town pubs and already inebriated, cannot get in. By mid-night the pub has emptied in an orderly manner. There are about half a dozen people still in there at eleven and they are simply emptying their glasses. Even the various eating houses in Bye Street close at 10.30 to avoid the drunken un-desirables who have staggered out of the town pubs. We get debris left every where and that includes vomit - the latest deposit being out side my front door and found this morning.

If the pub stays open until some un-reasonable hour, how are we, the local residents, supposed to get our own sleep?

The pub deliveries are now mid-morning because the landlords (by their own admission) cannot take the earlier mornings, the landlady staggers about through tiredness at 11 in the mornings. They may be night owls, but we have one in our block who is a milkman, so when does he start apart from some un-earthly hour, the same house has a 4 month old baby. Over the road is a lorry driver who also does not need the disturbance and there are others who do shift work while others lead "normal" lives. I, fortunately, no longer need to rise so early, but I don't wish to be woken when the pub turns out at 1.30 or 2 o'clock in the morning. We get enough of that from the town pubs, thank you very much.

F A Catering Licence

Now they also want to serve cooked snacks at mid-night. Get off!

What are they after, a full catering establishment? A greasy spoon café cum pub? When the wind is in the wrong direction, I have to shut my windows against the chip shop next door. I don't want to have to get out of bed to do that against the pub as well!. If they were to be granted a catering licence for cooked food, this will, presumably, entail building work for a commercial kitchen? Remember please, this is a Conservation Area. Or would they be permitted to use the "house" kitchen? I would not have thought so.

All the food establishments in Bye Street close their doors for 10.30, we have litter from them left all over the place, we have no Police to monitor the town pubs, so we have no chance of Police protection down here. The woman from the Youth Centre next to the pub reckons the debris left there comes from the pub, so far I have backed the pub against her suggestions. I won't be able to if this disturbance licence is granted.

The landlords have spoken about this lot and at least two of us have had a letter from the landlord which, in part, sounds a bit threatening, (a copy of which is enclosed). When I said their football screen and loudspeakers would have been better placed at the back of the pub, it was suggested that that would interfere with toilet and back garden access. I suggested it would be better to mark walkways as in factories rather than upset the locals who have been here a lot longer than they have.

Please also remember that the local residence have been here a lot longer than they have.

Yours sincerely, and in opposition to their application,

G.K. Stiles (Mrs.)

Enc.

P.S. WE ALSO HAVE THE COTTAGE HOSPITAL OPPOSITE = RESIDENTIAL INMATES WHO ARE SICK.

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	27 OCTOBER 2010
TITLE OF REPORT:	FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS IN RESPECT OF: THE CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX
PORTFOLIO AREA:	ASSISTANT DIRECTOR - ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Ross on Wye

Purpose

To consider a full review of a premises licence following an expedited review and representation against the interim steps in respect of the Crown & Sceptre Inn, Market Place, Ross-on-Wye, HR9 5NX.

Key Decision

This is not a Key Decision.

Recommendation

THAT the Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

Key Points Summary

- Application received against the interim steps on 14 October 2010.
- Hearing arranged for 18 October 2010 within the required 48 hours.

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

Options

- 1 There are a number of option open to the committee:
 - the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003 and the Crime & Disorder Act 2006.

Background Information

- 3 The powers to call for an Expedited review are contained in Section 53A of the Licensing Act as amended by the Violent Crime Reduction Act 2006. The powers allow;
 - The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
 - The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 4 The expedited review hearing was held on 6th October 2010 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing it was decided that the premises licence should be suspended forthwith. At that time the premises licence holder Mr Cousens, was not present.
- 5 Sarah Dean has been at the premises since 27th August and as such should have been the premises licence holder and Designated Premises Supervisor (DPS), although no application had been submitted by her solicitor to that effect. At the time of the incident, which led to the Expedited Review, she was at and in charge of the running of the premises.
- 6 On 12th October an application was received by the Licensing Authority from Sarah Dean, for transfer of the premises licence and change of DPS, both into her name, which was to have immediate effect.
- 7 The legislation allows the premises licence holder to make representation against the interim steps at any time up to the full review hearing.
- 8 The representation against the interim steps was made by Sarah Dean and received by email at the Licensing Authority on 14th October.
- 9 A hearing was held on 18th October to consider the representation made against the interim step. At this hearing the licence was re-instated and the following interim steps were put in place:

HOURS OF LICENSABLE ACTIVITY

	Live Music,	Recorded Music, Film, Indoor Sporting Events	Sale of Alcohol (M)	Open to the public (O)
Monday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Tuesday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Wednes day	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Thursday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Friday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Saturday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Sunday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300

INTERIM STEPS CONDITIONS

- The hours of licensable activities shall be those shown in the box above.
- 2 SIA registered door staff to be employed between the hours of 9pm and 12.30 am on Friday and Saturday night.
- A risk assessment to be carried out to extend these hours or to employ additional staff as required.
- Ensure that either the Premises Licence Holder or Bar Manager are within the licensed premises at all times of licensable activity.
- The outside area of the premises to be closed from 11pm on any evening

10 A notice of the full review was placed on the premises as required by law.

11 **Current Licence**

The current licence authorises the following licensable activities during the hours shown: -

An exhibition of a film; An indoor sporting event, Any playing of recorded music;

Sunday-Thursday: 10:00 – 00:00

Friday-Saturday: 10:00 - 02:30

A Performance of Live Music, Other regulated entertainment

Monday- Friday: 19:00 - 00:00

Saturday - Sunday: 12:00 - 00:00

Sale by retail of alcohol

Sunday-Thursday: 10:00 - 00:00

Friday-Saturday: 10:00 - 02:00

The following no standard timings are also attached to the licence;

An exhibition of a film; An indoor sporting event; Any playing of recorded music; Sale by retail of alcohol 11.00 - 02.00 on Friday, Saturday and Sunday of Bank Holiday weekends

Alcohol only: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- 12 The grounds for the review are contained in Appendix 1 and 2 of the background papers. Also attached is the request to make representation against the interim steps at Appendix 3, a further police representation at Appendix 4 and a representation made by a local business 'Enterprise Inns' who own the premises.

13 **Representation**

Copies of the application and certificate have been sent to the responsible authorities.

A further representation has been received from the West Mercia Police.

A representation has also been received from Enterprise Inns who own the premises on the grounds that they have business within the vicinity of the premises.

Copies of these can be found within the background papers.

Key Considerations

- 14 The licensing authority must take into account any relevant representations made. Relevant representations are those that:
- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

- 15 It is felt that if the wrong course of action is taken then this could have an adverse effect on the local community.

Legal Implications

- 16 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

- 17 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

Consultees

- 18 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 19 The notice of review was displayed on the premises which invited representation between 6 and 19 October 2010. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 20
- a. Application Form for Expedited Review
 - b. Certificate
 - c. Request to make representation against the interim steps
 - d. Police Representation
 - e. Interested Party 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.

**Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station**
Bath Street
HEREFORD
HR1 2HT



0300 333 3000 ext 4702
e-mail. licensing.herefordshire@westmercia.pnn.police.uk

Direct Dial 01432 347102

18 October 2010

Our Ref:
Your Ref:

**Herefordshire District Council
Licensing Authority
County Office
PO Box 233
Bath Street
HEREFORD HR1 2ZF**

Dear Sir / Madam

REF: **Crown and Sceptre Public House, Market Place, Ross on Wye**

I refer to the above premises, that has been subject to an expedited review and a subsequent appeal to the Licensing Authority by the applicant on 18 October 2010.

I am aware that as a result of the expedited review, a full review hearing will take place on the 27 October 2010.

At the appeal hearing on the 18 October 2010, the Regulatory Committee imposed new conditions on the premises and applicant. These conditions were supported by West Mercia Police and were agreed by the applicant.

In the circumstances, West Mercia Police would ask that these conditions are issued on any licence issued by Herefordshire Council Licensing Authority.

These are the minimum conditions West Mercia Police would seek in order to meet the licensing objectives.

J. MOONEY
Police Licensing Officer

www.westmercia.police.uk

Non-emergency: 0300 333 3000
Policing Herefordshire, Shropshire, Telford & Wrekin and Worcestershire



INVESTOR IN PEOPLE



CUSTOMER SERVICE EXCELLENCE

FAO Fred Spriggs
Licensing Section
Herefordshire Council
Environmental Health and Trading Standards
County Offices
PO Box 233 Bath Street
Hereford HR1 2ZF

Our ref: RJT.JB 98454.12121
Your ref:
Date: 15 October 2010
E-Mail: rjt@gosschalks.co.uk
Direct Fax: 0870 600 5958

Dear Sir

RE: Crown & Sceptre Market Place Ross on Wye

We write further to our letter of 13th October 2010 and your subsequent telephone conversation with Janet Braithwaite at this office. We note that you require further details as to how the letter of representation relates to the licensing objectives.

We understand that our client's tenant has recently met with you and the police and is proposing to offer (as interim steps pending full review) the use of two SIA door staff on Friday and Saturday nights and the diminution of hours for licensable activities.

We respectfully submit that the promotion of the crime and disorder objective can be effected by the imposition of these or similar conditions rather than by the revocation of the premises licence.

In the circumstances, we would be grateful if you could confirm that our representation now deals with the promotion of the licensing objectives (specifically crime and disorder) and that the representation will be accepted.

Yours faithfully



GOSSCHALKS

