

AGENDA

Regulatory Sub Committee

Date: **Friday 14 January 2011**

Time: **10.00 am**

Place: **Meeting Room 18a, 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 PGH Cutter**
 Councillor SPA Daniels
 Councillor JW Hope MBE

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

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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.	
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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.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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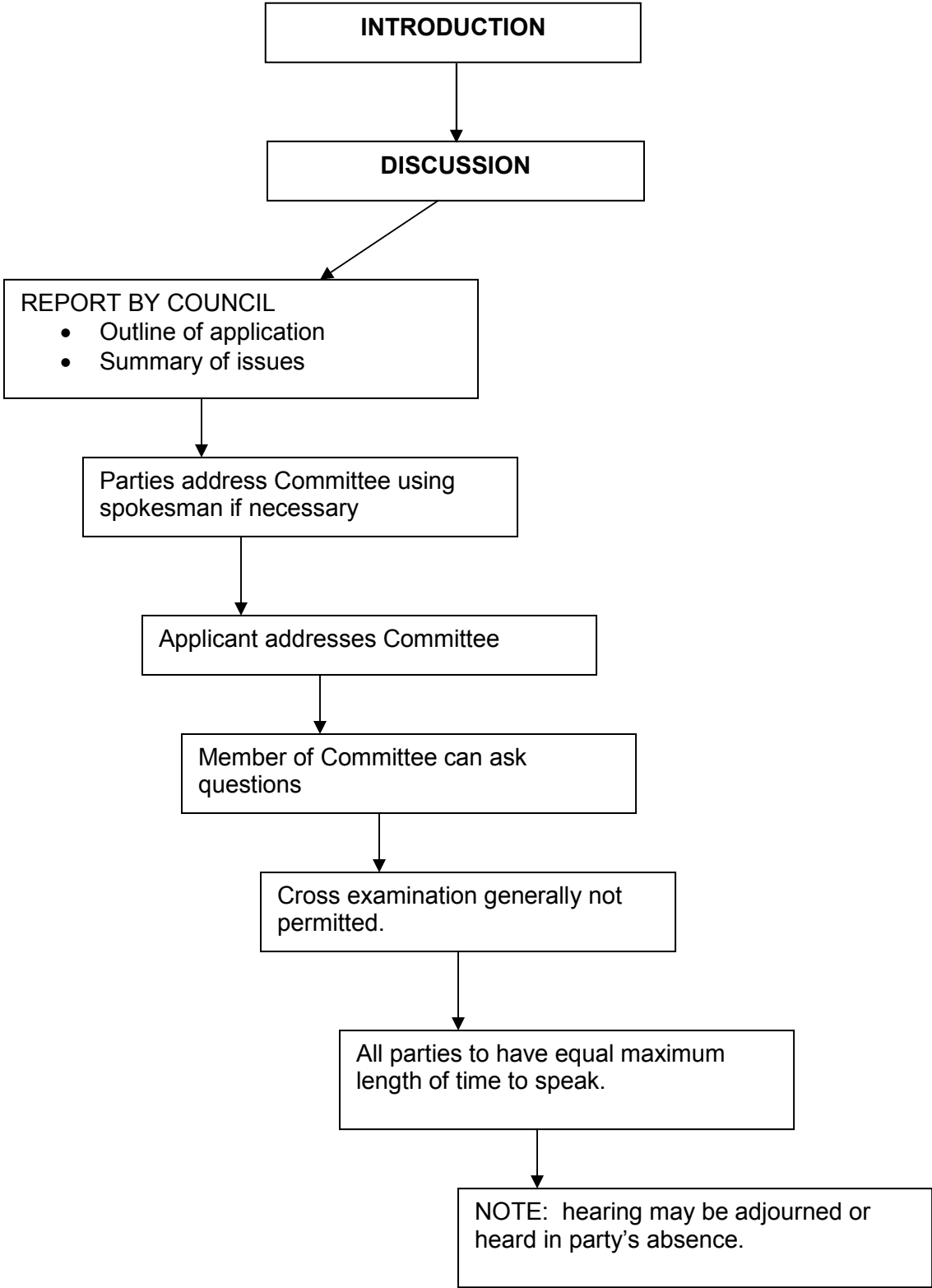
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14 JANUARY 2011
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'CROWN & SCEPTRE, 7 SHERFORD STREET, BROMYARD, HR7 4DL.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider an application for the variation of a premises licence in respect of the 'Crown & Sceptre, 7 Sherford Street, Bromyard, HR7 4DL.'

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

- Four public representations against the application
- The police have made representation as a Responsible Authority

Options

- 1 a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- 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	Cramar Leisure Ltd Little Burley, Stonehouse Lane, Bringsty, Worcestershire, WR6 5TG.	
Solicitor	N/A	
Type of application: Variation Application	Date received: 30 November 2010	28 Days consultation 28 December 2010

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: -

A performance of live music

Monday-Wednesday: 11:00 - 23:00

Thursday-Saturday: 11:00 - 00:00

Sunday: 12:00 - 00:00

Any playing of recorded music; Sale by retail of alcohol

Monday-Wednesday: 11:00 - 23:00

Thursday-Saturday: 11:00 - 00:00

Sunday: 12:00 - 22:30

Non-Standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for May, Whitsun and August bank holiday weekends.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter bank holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.
To reflect existing New Years Eve/Day hours.

Summary of Application

- 6 The application applies for a new function room to the rear of the premises to be licensed together with the courtyard to the rear and side of the existing premises, the patio area to the rear and the rear beer garden to the rear of the new premises. The following licensable activities during the hours shown have been applied for: -

Live Music, Provision of facilities for making music and dancing, Supply of Alcohol (Both on & off premises)

Sunday - Thursday: 11:00 - 00:00

Friday & Saturday: 11:00 - 01:00

Non Standard Timings: A further additional hour on Bank Holiday Sundays, Christmas Eve, Boxing Day and New Years Eve.

Performance of Dance

Sunday - Thursday: 11:00 - 00:00

Friday & Saturday: 11:00 - 01:00

Provision of Late Night Refreshment

Sunday - Thursday: 23:00 - 00:00

Friday & Saturday: 23:00 - 01:00

Non Standard Timings: A further additional hour on Bank Holiday Sundays, Christmas Eve, Boxing Day and New Years Eve.

All indoors & outdoors

Recorded Music

Sunday - Thursday: 11:00 - 00:00

Friday & Saturday: 11:00 - 01:00

Non Standard Timings: A further additional hour on Bank Holiday Sundays, Christmas Eve, Boxing Day and New Years Eve.

Indoor sporting events

All days: 17:00 – 00:00

All indoors only

Summary of Representations

- 7 A copy of the representation can be found within the background papers.
- 8 Representation has been made by the police as a Responsible Authority.
- 9 Four Local residents have made representations 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, which was 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. However it is noted that no mention has been made of licensable activities taking place outdoors and no non-standard timings are shown.

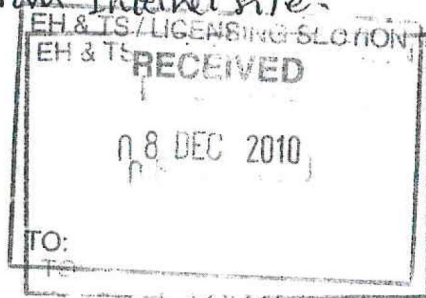
Appendices

- a. Public Representations
- b. Police representation
- c. 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.

copy of information posted outside this and
Function Room, dated Dec. 01. 2010
and information gleaned from Internet Site.



Bromyard,
Herefordshire
HR7 4DP
06/12/10

Chief Licensing Officer,
Licensing Section,
Environmental Health and Trading Standards,
County Offices, Hereford. HR1 22F.



Dear Sir,

As a long-term resident of Church St., Bromyard, I would like to register my concerns about the proposed, new Licensing arrangements for the new Function Room at the Crown and Sceptre Public House in Sherford St., Bromyard. Sherford St., adjoins Church St., and my property is sited very close to the Pub and Function Room, in a residential street at the heart of the town.

The Crown and Sceptre has a history of anti-social behaviour as it has traditionally closed later than the other Pubs in Bromyard and has therefore attracted an already alcohol-fuelled clientele. My family and I have frequently been troubled by excessive late-night/early morning noise and anti-social behaviour which has spilled out from the Pub into the surrounding streets and the Market square. The noise-level (shouts, screams, broken-glass hattering, thumps - from scuffles?) has necessitated the use of earplugs to enable me to sleep. Also, my family, returning home at the end of an evening have been unsettled, and made fearful by this alcohol-fuelled behaviour as our front door is approached.

With the increased capacity of the new Function Room, plus the request for permission for outside entertainment in the Beer Garden and new, paved Patio area, my family and I are naturally very concerned that these problems will escalate.

I worry about adequate levels of policing, particularly at closing times.

Has any consideration been given to the fact that there are no parking facilities at the Pub. Street parking is already a serious issue in Bromyard, with virtually no places free for non-residents in Sherford Street and Church Street. I can foresee clashes between residents and the Pub's clientele - particularly as the Function is advertised to be able to cater for up to 200 people!

I hope you will consider my concerns attentively and understand that they are based on long-standing, (~~at~~ and unreported) personal experience, and also that they are the understandable worries of a fair-minded, tolerant neighbour and resident. Whilst respecting the right of the owners of the Crown and Sceptre to earn a living, I question the assumption that this enterprise can benefit the reputation of our town as a safe, welcoming place to inhabit or visit. Thank you for your attention. Yours faithfully

Mr FS Spriggs
Licensing Officer
Licensing Services
County Offices
Bath Street
Hereford
HR1 2HQ



13th December 2010

Dear Sir

THE CROWN AND SCEPTRE PUBLIC HOUSE, SHERFORD STREET, BROMYARD
Reference the proposed EXTENSION OF LICENSING HOURS

I wish to submit this letter of protest to any extension of licensing hours at the above premises. I run the Time Machine Museum (DR WHO MUSEUM) opposite the Crown and Sceptre which is only 25 yards away, and I have been subjected, together with other residents over the last year or more, to loud music, screaming, shouting, swearing and disorder both inside and outside this pub. I naturally have to open on Saturdays and Sundays as my business is Tourism and mostly weekend trade.

As it is now, the pub has a licence till midnight, however there is then a period of further drinking after the music is switched off at midnight. The customers come out in small parties over the next two and a half hours, mostly extremely drunk, making a horrendous noise as they come out of the pub, meaning that I can only get to sleep after 0300hrs.

My protest is that if the licensing hours are extended till 0130hrs (God forbid!) I will not be able to get to sleep till 0400hrs at the earliest!

This is a completely ridiculous situation for a local trader to be harassed whilst simply trying to run his own business and trying to get some sleep against all odds.

The location of the new Function Room at the Crown and Sceptre, which is where the noise would be coming from, is too near people's houses where businessmen, babies and the elderly are only 30 yards away. We need a decent quality of life, as does everyone and to pay Council Tax to live and run a business where you cannot even get a good nights sleep or run one's business properly is completely and totally unacceptable.

The current midnight cessation of music is more than adequate and I would personally like to see it reduced to 2300hrs.

There are no Police Officers in Bromyard anymore to help with this noise and disorder.

I have spent the last 15 years building up this business where I both live and work and the Dr WHO museum brings in many many visitors to Bromyard each year. It is a very valuable asset to Bromyard and the surrounding area as well as Herefordshire in general.

I feel I must tell you now that if my quality of life and/or health deteriorate because a decision is made to extend the licensing hours at the Crown and Sceptre then I will be forced to assess whether I and my business can stay in Bromyard.

There is, as I hope you agree no point in living in a town where one dreads and is in genuine fear of the weekends and what they bring.

This is not a city centre. It is a small Market Town with many residents living nearby. The Licensing hours must reflect this, the hours must be proportionate to the location.

Yours Sincerely

[REDACTED]
BROMYARD, HEREFORDSHIRE HR7 4DL
[REDACTED]

20th December 2010

The Chief Licensing Officer
Environmental Health Dept.
Herefordshire Council
County Offices
PO Box 233
Bath St., HEREFORD HR1 2ZF

NEW ASSEMBLY ROOM, CROWN & SCEPTRE, BROMYARD

Dear Sir

I understand an application has been submitted for a Variation of Licence at the above premises.

I wish to comment on that application, and to ask that Conditions be imposed if a Licence is granted. My comments are made under three of the Licensing Objectives. These relate to Public Nuisance, Public Safety, and to Crime and Disorder. In view of the history of associated disorder when events have been held in the past, I am especially concerned about noise from the premises and in the adjacent street.

I am concerned also at the public nuisance which will inevitably be associated with the complete absence of car parking for patrons.

Under the present Licence, the premises already open later than others in Bromyard. Coupled with the excitement offered by music events on the regular occasions that they have been held in the bar, this frequently leads such events to be noisy into the late evening. I have an audio recording to verify this. It is significant that the Conditions in the current Licence regarding late-night audibility of music have not been adhered to at any time in the past.

It is one thing to have a music event for a comparatively small crowd in a pub bar. It is quite another to propose, as has already been advertised for these new premises, 'ticket-only' music events for three or four times the previous size of audience. In the light of the long-established pattern whenever smaller-scale music events have been held in the past, I would now expect regular disruption and noise on a proportionately larger scale. This will constitute a Public Nuisance.

I am advised that Police have been called in almost monthly during the present year. If I had not chosen to show tolerance, the level of complaints could well have been much higher, this year and in the past; I have often been disturbed in my home by loud music and alarmed by shouting and noise from the adjacent street as well as from the pub. I should not be penalised now for my tolerance of smaller-scale nuisance in the past.

The application relates to a new building erected on the base, and vastly extending the floor area, of former outbuildings. Although it can be used as a restaurant or function room, I have been shown built-in sound equipment and a purpose-built stage area. The building is clearly designed for the presentation of live music events.

In conversation with the previous manager of the premises, I was told that the intended capacity is above 170 persons; if so Licensed, this would be the largest public assembly room in Bromyard, with commensurate potential for nuisance. In the interest of Public Safety, I ask that a Condition is made limiting the capacity of the Premises to a specified number of persons in accordance with the recommendation of the Fire Safety Officer.

Patrons and staff of the premises already park in the street outside the building, in spite of parking restrictions there. I have photographs to verify this. This demonstrates the lack of parking facilities, even with the premises at their current capacity. Four car park spaces are allowed-for in Planning Permission; I suggest none of these can be used when the new building is occupied, since even a single car will obstruct the limited emergency exit-ways. A further Public Nuisance is inevitable in view of the number of cars associated with such large crowds as are intended to use the new hall. Public car parking is already so limited near the premises as to have been a subject of concern to Bromyard Town Council. Even if such numbers of people were able to park nearby, nuisance would regularly be caused very late at night to local residents over a wide area by excited patrons returning to their vehicles.

Apart from the limit on capacity mentioned above, I ask the following:

- A. That, for a significant trial period, Licensed hours continue as at present, that is to midnight on Thursdays, Fridays and Saturdays and to 11pm on other evenings. Such a 'trial period' will allow a pattern of good behaviour to be demonstrated. If this Condition is imposed, I have no objection to the occasional 'extra hour' requested in the Licence Application for specified Public Holidays and for the Folk Festival weekend. However, I would otherwise oppose that extra hour.
- B. That Conditions embodied in the current Licence are maintained; that is to say, that
 1. All windows are closed/lockable.
 2. Customers are requested to leave quietly.
 3. The fabric of the building retains sound, **and to add that this be proven before opening.**
 4. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises quietly.

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5. *No live music to be played in the outside area of the premises, **but to modify this condition to cover only amplified music, whether live and recorded.***
6. *No live music after midnight on Monday to Saturday and 23:00 on Sunday.*
7. *Noise from recorded and live music entertainment to be inaudible at the nearest noise sensitive location after 23:00, **this condition to be strictly observed.***
8. *The outdoor area (beer garden) shall not be used for the consumption of alcohol or licensable activities after 23:30.*
9. *Music to be played at such a level so as not to cause a nuisance.*
 - C. That, to limit Public Nuisance and Crime and Disorder, all events conform with regulations governing the required number of Certificated professional security staff under SIC regulations.
 - D. That smokers use the inner courtyard area between the pub and the new building rather than the area around the pub front door.
 - E. That the Licensee conforms with conditions laid down in the Licensing Act regarding his responsibility for the behaviour of his customers once they leave the premises.

I hope it will be helpful to the Applicant to note that the hours requested for the 'screening' of major sporting events will not cover all such events, many of which take place in daytime.

Thank you for your consideration of these modest requests.

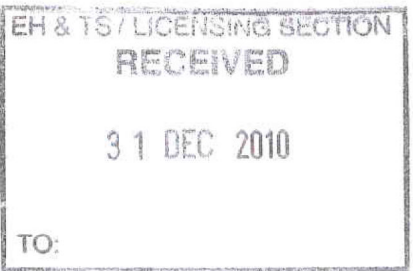
Yours faithfully,



Cc Cllr Alan Seldon



Bromyard
HR7 4DL



The Chief Licensing Officer
Environmental Health
Herefordshire Council
County Offices
Po Box 233
Bath Street
Hereford
HR1 2ZF

23th December 2010

Dear Sir/Madam

Premises licence number: PR 00579
Crown & Sceptre Inn, 7 Sherford Street, Bromyard HR7 4DL

I write regarding the licence application for the above premises and particular the :the proposed use of the new function room; the patio area to the front; rear of the new room and the beer garden.

I note in Herefordshire Council Licensing Policy that :

- 1.4 The Council has a duty under the Act to exercise its functions with a view to promoting the four licensing objectives, which are:
 - a. the prevention of crime and disorder
 - b. public safety
 - c. the prevention of public nuisance; and
 - d. the protection of children from harm.

Without prejudice to other obligations imposed on it, it is the duty of the Authority to exercise it's various functions with due regard to the likely affect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder.

Before looking at the application form in detail, I will make some general comments under those headings:

Prevention of Crime and Disorder

While I cannot provide a log of incidents, as a neighbour whose bedroom faces onto the Sherford Street, I can confirm that there have been regular incidents in Sherford Street late at night with intoxicated persons outside the Crown and Sceptre Inn.

I would ask that the licensing authority request and consider any records from West Mercia Police of the times they have been called to incidents outside the Crown & Sceptre Inn.

I note that that there is no mention of the number of people that will be able to access this premises at any one time but understand that it can accommodate 150 people. This is a considerable increase from current number of people attending the premises and resulting disorder in Sherford Street.

Public Safety

No provision has been made for additional parking facilities for the customers and they will therefore park in the neighbouring streets. There are very few spaces in the adjoining streets and it is likely that customers will park in unauthorised places such as on the double yellow lines outside the pub and in the surrounding streets.

I doubt if staff from Crown & Sceptre will be inclined to take neighbours concerns on this matter seriously as they are aware of this problem already and this even without the new premises being open. Their workman and staff regularly park outside 7 Sherford Street, on double yellow lines.

This poses a serious public safety risk as this is a busy junction and I would guess the double yellow lines were put there to make the junction safer.

Prevention of public nuisance

Besides the problems with alcohol induced crime and disorder and illegal parking, neighbours have to endure the noise of music and customers leaving the premises late at night.

Approval of this licence application would mean that granting of the opening of a night club in a residential area which borders the rear gardens of residential properties. This is not a music venue in a busy town centre; this is a late night music venue on the edge of a small market town, with residential properties on three sides and open fields to the rear.

While neighbours accept an established pub garden adjoining their gardens, I am very unhappy with having a night club next to my rear garden. While it may be 'indoors' this is no guarantee that windows and doors will not be open and customers will not spill out into the rear garden in high spirits.

There will be an added problem if the rear garden becomes a designated smoking area as this means that those of us in neighbouring gardens will endure passive smoking by default. This problem will be compounded in the summer when residents wish to make use of their gardens during the warm evenings.

Protection of children from Harm

No comment.

With regard to the actual application I would make the following comments:

Page 2

I note the application applies to the new function room and area to the rear of the new function room. This garden area adjoins a private garden of 7a Sherford Street. This is relevant as impact of any use of this area clearly affects private gardens.

Page 15

It is noted that doors will be closed to the outside whilst music is on in the function room to limit noise levels but we are not clear windows they refer to .

What is the link between function room and rear beer garden; is this by a separate entrance/doors or will people enter from beer garden to function room directly and if so if this is a regular flow of people the doors could be opening and closing (allowing noise to be heard) for much of the evening negating any controls.

Page 19

b) The prevention of crime and disorder

I note the management will work closely with the local Police, Pub Watch Scheme and Local Residents. The interesting point here is that they 'will' as they have not, to my knowledge undertaken any work with local residents in preparation of this licence application. This makes me doubt that they are taking this aspect seriously and perhaps have no intention of doing so once the application is approved.. I feel that if this important, the 'management' would have consider the concerns of local residents and worked with us prior to this application. The face of Public cuts , the reality is Police and Council resources will be stretched.

c) Public Safety

I hope that in considering this application you ask for clear evidence of the procedure for enforcing this statement. This is important as I expect over time staff will change and you cannot rely on personal knowledge and recognition.

d) The Prevention of public nuisance

See point b.

Point d), the rear of the premises, new terrace and balcony will allow patrons to look into the private gardens of the neighbouring two properties. The management have therefore not taken action to promote the privacy of neighbours.

Even before this new facility was built, there have been occasions when customers swearing, intoxicated conversations and playing of ball games in the pub garden have interfered with the quite enjoyment of the neighbours using their gardens.

There is now a proposition for a music venue and the rear garden to be an extension of this facility. The license application suggest this will be dealt with by a set of 'rules that include protection of local residents and consideration to their privacy and safety' .

This is clearly not strong enough to give residents any comfort that our interests will or are being protected.

Again, I would trust that the Committee considering the Licensing application would ask to see a set of the rules, ask what consultation the Management have undertaken with the neighbours on these rules, how these rules will be enforced and what will happen if the rules are consistently breached.

It might also be useful if the Licensing Authority visit the premises and neighbours to see if any further works should be taken to protect our privacy.

General

Parking

I note that the application is completely silent on the issue of parking and the impact this could have on public safety or in causing possible nuisance to neighbours. This should have been considered by the management in submitting this application.

Hours

Customers will be leaving this premises on Monday to Thursday at 0.30 hours in the morning and on Saturday and Sunday mornings at 1.30 hrs. This is into a largely residential area!

Planning

In the original planning application for the new area, the applicant requests permission for a building with opening hours of Friday 6 – 11pm, Saturday 12 -11pm and Sunday 12 – 11pm and for a 'drinking establishment' (no mention music or 'Assembly and Leisure'). As approval was given for the building on these grounds, why is that the Licensing Application can ignore the planning application that was I assume approved on those grounds. This change from the planning application does very little to build the confidence of residents that our interests will be respected or considered by the applicant when the original planning application was so different.

The development and request for a license for this premises feels most uncomfortable and inappropriate for this site. Far from being a real addition to Bromyard's economy and character; this is a request for a licence to operate a business that will have a negative impact on those people who have chosen to live in this area of Bromyard and from a venue from which residents have seen multiple incidents of criminal and anti social behaviour and inconsiderate/illegal parking even before this licence is considered.

I would be grateful if you could advise me when the application is being considered

Yours



**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

10 December 2010

Our Ref:
Your Ref:

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

Dear Sir / Madam

**REF: Premises licence variation application –
Crown & Sceptre, Sherford Street, Bromyard**

I refer to the above mentioned application made pursuant to the Licensing Act 2003, and received by the West Mercia Police on the 30 November 2010.

A previous application to vary the premises licence was received by West Mercia Police 26 October 2010, and West Mercia Police submitted representations to this application on 01 November 2010. No notification has been given to West Mercia Police to indicate that this first application has been withdrawn. The view was this first application was to extend operating hours for the premises and to introduce a function room.

This new application in the view of West Mercia Police expands the current operating schedule and the view that most customers will be local. The premises is located in a small market town in an area of both commercial and residential buildings. The application will have a direct impact on the current status quo of its near neighbours.

As a result of reviewing the premises and West Mercia Polices involvement with the current designated premises supervisor, West Mercia Police has the following representations with regards to the application.

In order to comply with and promote the licensing objectives and in particular that of the prevention of crime and disorder, the following conditions should be applied to any new licence issued to the premises –

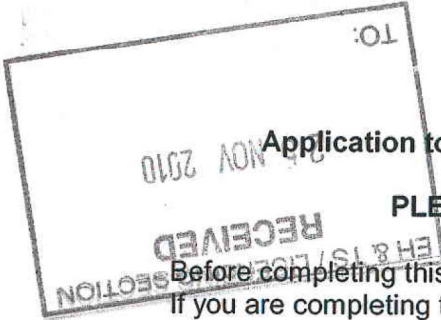
- Condition – That the operating schedule for the premise has sufficient SIA registered door staff and control measures relevant to the risk presented to the four licensing objectives. In addition where there is a pre planned function and in particular on Friday and Saturday evenings SIA door staff will be provided on a risk assessed basis.
- Condition – The operator of a premise, designated premise supervisor or duty manager shall maintain a register indicating the name of person in charge of the management of the premise, numbers of staff, performers and SIA staff, including names of door supervisors, who are present when the public are present. Further the register will contain detail regarding any incident relevant to the four licensing objectives. This register shall be produced immediately on the request of an authorised officer.
- Condition – That the operating schedule for the premise, based on the risk assessment to ensure compliance to the four licensing objectives, provides CCTV equipment which conform to the provision of the Data Protection Act 1998 and is meets the agreed requirements and expectation of the Licensing Authority and West Mercia Police.
- Condition – To prevent incidents of crime and disorder an expectation prevails that the operators of premises and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that members of their staff understand the importance of the responsibility they hold.
- Condition - At peak and or critical times, that is when the licensing objective of the prevention of crime and disorder is or are likely to be compromised, a last entry time of 2330 will be strictly adhered to.
- Condition – The operator shall ensure that in order to secure the integrity of the licensing objective of the prevention of crime and disorder measures are taken to prevent bottles and glasses being taken from any licensed part of the premise.
- Condition – That the operator ensures that no exterior licensed area is used after 2330hrs.

As you are aware new mandatory conditions are in place and that any new license should additionally reflect those conditions.

There are other issues with regards to the proposed operating schedule that will have direct impact on the licensing objectives and in particular that concerning the prevention of public nuisance. This is an issue that is best dealt with by the responsible authority concerned.

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

J. MOONEY
Police Licensing Officer



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~~ DONALD KEVIN GRIFFITHS - CRAMAR LEISURE LTD
(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	PR00579
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
THE CROWN + SCEPTRE 7, SHERFORD STREET

Post town	BROMYARD	Post code	HR7 4DL
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Telephone number at premises (if any)	01885 482253
Non-domestic rateable value of premises	£ 4,900

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	LITTLE BURLEY STONEHOUSE LANE BRINGSTY		
Post Town	WORCESTER	Postcode	WR6 5TG

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)

NEW ROOM AT THE REAR OF THE PUB TO BE USED FOR FUNCTIONS I.E. WEDDINGS, PARTIES, LIVE MUSIC ETC, MEETINGS CONFERENCES, CHARITY EVENTS AND A DINING AREA - TO INCLUDE A PATIO AREA FRONT AND BACK OF THE NEW ROOM AND BEER GARDEN. A SMOKING SHELTER IS SITUATED BETWEEN THE REAR OF THE PUB AND IN FRONT OF THE NEW ROOM.

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)			<u>Will the performance of a play 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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films 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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	17.00	00.00	<p>DARTS LEAGUE - MONDAY POOL LEAGUE - TUESDAY POKER LEAGUE - THURSDAY</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>WE MAY ALSO HOLD CHARITY DARTS TOURNAMENTS OR DARTS LEAGUE FINALS NIGHT WHICH WOULD BE HELD ON A FRIDAY, SATURDAY OR SUNDAY. SCREENING OF MAJOR SPORTING EVENTS I.E. FOOTBALL WORLD CUP, RUGBY WORLD CUP, CRICKET ETC.</p>
Tue	17.00	00.00	
Wed	17.00	00.00	
Thur	17.00	00.00	
Fri	17.00	00.00	
Sat	17.00	00.00	
Sun	17.00	00.00	

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</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				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 boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	00.00	Please give further details here (please read guidance note 3) LIVE BANDS - AMPLIFIED AND UNAMPLIFIED	Both	<input checked="" type="checkbox"/> <i>BW</i>
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	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) A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY SUNDAYS AND A FURTHER ADDITIONAL HOUR ON CHRISTMAS EVE, CHRISTMAS DAY , BOXING DAY + NEW YEARS EVE		
Sat	00.00	01.00			
Sun	11.00	00.00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	00.00	<u>Please give further details here</u> (please read guidance note 3) SLICE BOX MACHINE DISCO AMPLIFIED RECORDED MUSIC		
Tue	11.00	00.00			
Wed	11.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	00.00	<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) A FURTHER HOUR ON BANK HOLIDAY SUNDAYS AND AN ADDITIONAL HOUR ON CHRISTMAS EVE BOXING DAY & NEW YEARS EVE		
Sat	00.00	01.00			
	11.00	00.00			
Sun	00.00	01.00			
	11.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	00.00	Please give further details here (please read guidance note 3) AMPLIFIED AND UNAMPLIFIED MUSIC	Both	<input checked="" type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	00.00	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	00.00	01.00			
Sun	11.00	00.00	SEPTEMBER FOLK FESTIVAL-DANCING ON THE PATIO AREA/COURTYARD BROMYARD MUSIC FESTIVAL 2011 -DANCING ON THE PATIO AREA/COURTYARD ⁸⁵		
	00.00	01.00			

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					

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> MUSIC DECKS INSTALLED IN NEW FUNCTION ROOM			
			<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 checked="" type="checkbox"/> <i>both</i>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	11.00	00.00	AMPLIFIED MUSIC IN NEW FUNCTION ROOM MUSICIANS PLAYING INSTRUMENTS IN COURTYARD DURING FOLK FESTIVAL WEEKENDS			
Tue	11.00	00.00				
Wed	11.00	00.00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)			
Thur	11.00	00.00				
Fri	11.00	00.00	<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)			
Sat	00.00	01.00	A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY SUNDAYS AND AN ADDITIONAL HOUR ON CHRISTMAS EVE, BOXING DAY & NEW YEARS EVE			
	11.00	00.00				
Sun	00.00	01.00				
	11.00	00.00				

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 checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing DANCE FLOOR IN NEW FUNCTION ROOM	
Mon	11.00	00.00	Please give further details here (please read guidance note 3)	
Tue	11.00	00.00	AMPLIFIED AND UNAMPLIFIED MUSIC IN NEW FUNCTION ROOM. FOLK PEOPLE DANCING IN COURTYARD DURING FOLK FESTIVAL WEEKENDS	
Wed	11.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	11.00	00.00		
Fri	11.00	00.00	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)	
Sat	00.00	01.00	A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY	
	11.00	00.00	SUNDAYS AND AN ADDITIONAL HOUR ON	
Sun	00.00	01.00	CHRISTMAS EVE, BOXING DAY & NEW YEARS	
	11.00	00.00	EVE	

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	Will the entertainment facility be indoors or outdoors or both – please tick (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 the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<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)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23.00	00.00	Please give further details here (please read guidance note 3) AMPLIFIED AND UNAMPLIFIED MUSIC (DOORS WILL BE CLOSED TO THE OUTSIDE WHILST MUSIC IS ON IN FUNCTION ROOM TO LIMIT THE NOISE LEVELS)		
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY SUNDAYS AND A FURTHER ADDITIONAL HOUR EVERY CHRISTMAS EVE, BOXING DAY AND NEW YEARS EVE		
Sat	23.00	01.00			
Sun	23.00	01.00			

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	11.00	00.00			
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	00.00			
Sat	00.00	01.00			
	11.00	00.00			
Sun	00.00	01.00			
	11.00	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)		
			A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY SUNDAYS AND A FURTHER ADDITIONAL HOUR EVERY CHRISTMAS EVE, BOXING DAY AND NEW YEARS EVE.		

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	08.00	00.00	<p>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)</p> <p>A FURTHER ADDITIONAL HOUR ON BANK HOLIDAY SUNDAYS AND AN ADDITIONAL HOUR EVERY CHRISTMAS EVE, BOXING DAY AND NEW YEARS EVE.</p>
Tue	00.00	00.30	
	08.00	00.00	
Wed	00.00	00.30	
	08.00	00.00	
Thur	00.00	00.30	
	08.00	00.00	
Fri	00.00	00.30	
	08.00	00.00	
Sat	00.00	01.30	
	08.00	00.00	
Sun	00.00	01.30	
	08.00	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

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)

b) The prevention of crime and disorder

THE MANAGEMENT OF THE BUSINESS WILL ENSURE THAT ALL PATRONS ARE CLOSELY MONITORED BOTH DURING LICENSED HOURS AND WHEN LEAVING THE PREMISES. ALCOHOL WILL NOT BE SERVED TO ANYONE DEEMED TO HAVE CONSUMED SUCH A VOLUME THAT THEY ARE LIKELY TO POSE A RISK TO THEMSELVES, OTHERS AND PROPERTY NOT OWNED BY THEM. APPROPRIATE REGISTERS WILL BE KEPT STATING REFUSALS AND OTHER INCIDENTS. THE MANAGEMENT WILL WORK CLOSELY WITH THE LOCAL POLICE, PUB WATCH SCHEME AND LOCAL RESIDENTS

c) Public safety

IN ADDITION TO THE ABOVE POINTS, ANYONE FOUND TO BE IN BREACH OF THE RULES OF THE ESTABLISHMENT WILL BE REMOVED FROM THE PREMISES AND BARRED FROM RE-ENTRY FOR LIFE.

d) The prevention of public nuisance

THE MANAGEMENT WILL PROMOTE HIGH SOCIAL VALUES AND ENSURE THAT THE RULES OF THE ESTABLISHMENT INCLUDE THE PROTECTION OF LOCAL RESIDENTS AND CONSIDERATION TO THEIR PRIVACY AND SAFETY.

e) The protection of children from harm

CHILDREN WILL NOT BE ALLOWED TO ENTER THE PREMISES AFTER 9 PM UNLESS EATING IN THE DINING AREAS. CHILDREN WILL ONLY BE ADMITTED IF ACCOMPANIED BY A PARENT, GUARDIAN OR RESPONSIBLE ADULT. A FULL REFUSAL LOG WILL BE KEPT TO ENSURE THE ACCURATE RECORD KEEPING OF ANY MINOR FOUND TO BE TRYING TO PURCHASE OR CONSUME ALCOHOL.


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	30/11/2010
Capacity	DIRECTOR

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)

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)			

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.

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14 JANUARY 2011
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE: COMMERCIAL HOTEL, 44 COMMERCIAL ROAD, HEREFORD, HR1 2BG
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider a review of a premises licence in respect of the Commercial Hotel, 44 Commercial Road, Hereford, HR1 2BG.

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 police application for a review as well as the trading standards representation,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from Paul West, Chief Constable, West Mercia Police on 17th November 2010.
- One representation received from trading standards.

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

Options

- 1 There are a number of options open to the committee:
- the modification of the conditions of the premises licence;
 - to exclude a licensable activity 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.

Background Information

Applicant	Paul West – Chief Constable of the West Mercia Constabulary, c/o Police Station, Bath Street, Hereford.	
Premise Licence Holder	Steven Lloyd Harrison The Crozens, 114 Eign Street, Hereford, HR1 2RZ.	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
Review	17 November 2010	14 December 2010

- 3 The grounds for the review are:

The premise is a busy public house located in the Hereford city centre. Its location is in the appendix covering the special policy for the cumulative impact zone as approved within the Licensing Policy for Herefordshire Council 2008-2011. This policy gives detail and information regarding the impact the area has with regard to the licensing objectives.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

It is alleged that young persons were allowed to purchase and consume alcohol in the premises whilst under the age of 18 and whilst under the influence of alcohol obtained from other sources. In addition serious disorder occurred with a man seriously injured as a result of an assault by persons who had been in the premises a short time earlier.

- 4 The information submitted to support the grounds stated:
During the evening of Friday 12 November 2010, a serious assault took place a short distance away from this premises. This matter is still subject to a police investigation, however at this stage it is apparent that those suspected of being involved are aged 16 years, and that all had

been drinking alcohol in the Commercial Hotel prior to the incident and at least one of them returned. In addition others in the same group who are witnesses are also under the age of 18 years, and they too made been drinking in the Commercial Hotel prior to the alleged assault.

This incident is viewed as serious crime and disorder.

There is no evidence of any person involved being challenged by any staff at the Commercial Hotel with regards to their age. In addition there is evidence that a number involved had been drinking elsewhere in the city prior to going to the Commercial Hotel and that they had consumed large quantities of alcohol before going to the Commercial Hotel. There is no evidence that any of the group were challenged regarding their behaviour.

West Mercia Police has received information that the Commercial Hotel is being used by persons under the age of 18 to purchase and consume alcohol on the premises and that staff do not challenge individuals to confirm age.

- 5 On 26 November an application for a Minor Variation was submitted by the premises licence holder, Steven Harrison.
- 6 This requested that the following three conditions should be added to the licence:
 - Provision of adequate CCTV
 - Provision of SIA door supervisors when risk assessment requires it
 - Challenge 21 – To include only ID accepted hologram. Staff Training on underage drinking
- 7 On 13 December the Licensing Authority received representation from Trading Standards following a test purchase operation carried out at the premises on the evening of 11 December when a young person was sold alcohol by the barmaid at the premises. This was dealt with by way of the police issuing an £80 fixed penalty notice.
- 8 On 14 October 2009 the Licensing Authority wrote to Mr Harrison following a complaint of underage drinking at the premises. (see Appendix C)
- 9 Under the legislation, an application for a minor variation is refused if ‘no determination’ is made within a 15 day period. Following the representation from Trading Standards the Licensing Officer decided to make ‘*no determination*’ in respect of the minor variation and thus it was automatically refused. The applicant was notified of this in writing.

10 **Current Licence**

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

A performance of live music; Any playing of recorded music; Other entertainment facilities; Sale by retail of alcohol

Monday- Thursday:	11:00 - 00:00
Friday, Saturday:	11:00 - 01:00
Sunday:	12:00 - 23:30

Non standard timings:

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend.

Christmas Eve, Boxing Day. To reflect existing New Year's Eve/ Day hours.

11 **Representation**

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

A representation was received from Trading Standards.

Copies of these can be found within the background papers.

Key Considerations

12 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

13 This will depend on the resolution of the sub committee, as the premises is in close proximity to other businesses and some housing.

Legal Implications

14 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.

15 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 that appeal is disposed of.

Consultees

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

17 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

18 Appendices: A - Application Form, B - Trading Standards Representation, B – Letter to Applicant

Background Papers

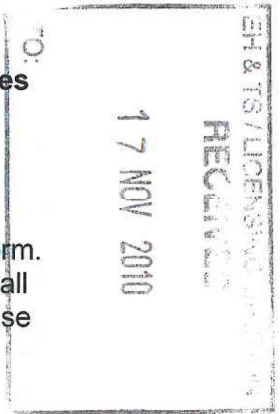
Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

Application for the review of a premises licence or club premises certificate 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 Paul West Chief Constable West Mercia Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Commercial Hotel 44 Commercial Road	
Post town HEREFORD	Post code (if known) HR1 2BG

Name of premises licence holder or club holding club premises certificate (if known) Steven Lloyd HARRISON
--

Number of premises licence or club premises certificate (if known) PR00911
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address James MOONEY Police Licensing Officer Territorial Policing Unit - Herefordshire Hereford Police Station Bath Street Hereford HR 12HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises is a busy public house located in the Hereford city centre. Its location is in the appendix covering the special policy for the cumulative impact zone as approved within the Licensing Policy for Herefordshire Council 2008-2011. This policy gives detail and information regarding the impact the area has with regards to the licensing objectives.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

It is alleged that young persons were allowed to purchase and consume alcohol in the premises whilst under the age of 16 and whilst under the influence of alcohol obtained from other sources. In addition serious disorder occurred with a man seriously injured as a result of an assault by persons who had been in the premises a short time earlier.

Please provide as much information as possible to support the application
(please read guidance note 2)

During the evening of Friday 12 November 2010, a serious assault took place a short distance away from this premises. This matter is still subject to a police investigation, however at this stage it is apparent that those suspected of being involved are aged 16 years, and that all had been drinking alcohol in the Commercial Hotel prior to the incident and at least one of them returned. In addition others in the same group who are witnesses are also under the age of 18 years, and they too made been drinking in the Commercial Hotel prior to the alleged assault.

This incident is viewed as serious crime and disorder.

There is no evidence of any person involved being challenged by any staff at the Commercial Hotel with regards to their age. In addition there is evidence that a number involved had been drinking else where in the city prior to going to the Commercial Hotel and that they had consumed large quantities of alcohol before going to the Commercial Hotel. There is no evidence that any of the group were challenged regarding their behaviour.

West Mercia Police has received information that the Commercial Hotel is being used by persons under the age of 18 to purchase and consume alcohol on the premises and that staff do not challenge individuals to confirm age.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 15 November 2010

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

MEMORANDUM

To : **FRED SPRIGGS**

From : **LEAH WILSON**

Tel : **01432 260163** My Ref : **LW/13/12/2010**

Date : **13th December, 2010** Your Ref :

REPRESENTATIONS MADE UNDER THE LICENCING ACT 2003 – THE COMMERCIAL - COMMERCIAL ROAD - HEREFORD

On the 10th December 2010 a test purchase operation was carried out in the Hereford City area. A volunteer under the age of eighteen was instructed by a Weights and Measures Inspector to attempt to purchase alcohol in numerous on-licence premises.

At The Commercial a sale was made of alcohol, namely Stella Artois by Gemma Brace to a volunteer who was under eighteen years old.

In the PACE interview with Gemma, she said that she had received training the day before on selling age restricted products, however at no point did she challenge the young person for identification, which is the ultimate check which should have been carried out.

My representation is that all sales of alcohol should/must be authorised by a Personal Licence Holder or the DPS.

Yours sincerely

Leah Wilson

Environment & Culture

Michael Hainge

Steven Lloyd Harrison
The Crozens
114 Eign Street
Hereford
HR1 2RZ

Your Ref:
Our Ref: PR00911
Please ask for: Fred Spriggs
Direct Line / Extension: 01432 260105
Fax:
E-mail:

14th October, 2009

Dear Mr Harrison,

THE COMMERCIAL, 44 COMMERCIAL ROAD, HEREFORD, HR1 2BG

I am in receipt of a complaint regarding underage drinking.

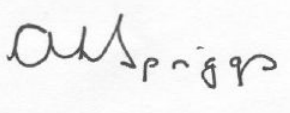
I will draw your attention to Section 150 of the Licensing Act 2003 which states that a person who works at the premises commits an offence if he knowingly allows the consumption of alcohol on premises by an individual aged under 18.

It is your and your staff's responsibility to promote the Licensing Objectives, in this case the protection of children from harm by preventing the consumption of alcohol by persons under 18 on your premises.

This offence carries a maximum penalty of £20,000 and or 6 months imprisonment on summary conviction.

I also advise you that we will undertake ad-hoc visits to ensure that the conditions of the licence are complied with and that the licensing objectives are promoted.

Yours sincerely,



**FRED SPRIGGS
LICENSING OFFICER**



Working in partnership for the people of Herefordshire
233, County Offices, Bath Street, Hereford. HR1 2ZF

Herefordshire Council Main Switchboard (01432) 260000, www.herefordshire.gov.uk
NHS Herefordshire Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

