

AGENDA

Regulatory Sub Committee

Date: **Friday 16 September 2011**

Time: **2.00 pm**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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 CM Bartrum
Councillor JW Hope MBE
Councillor FM Norman

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

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	
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- 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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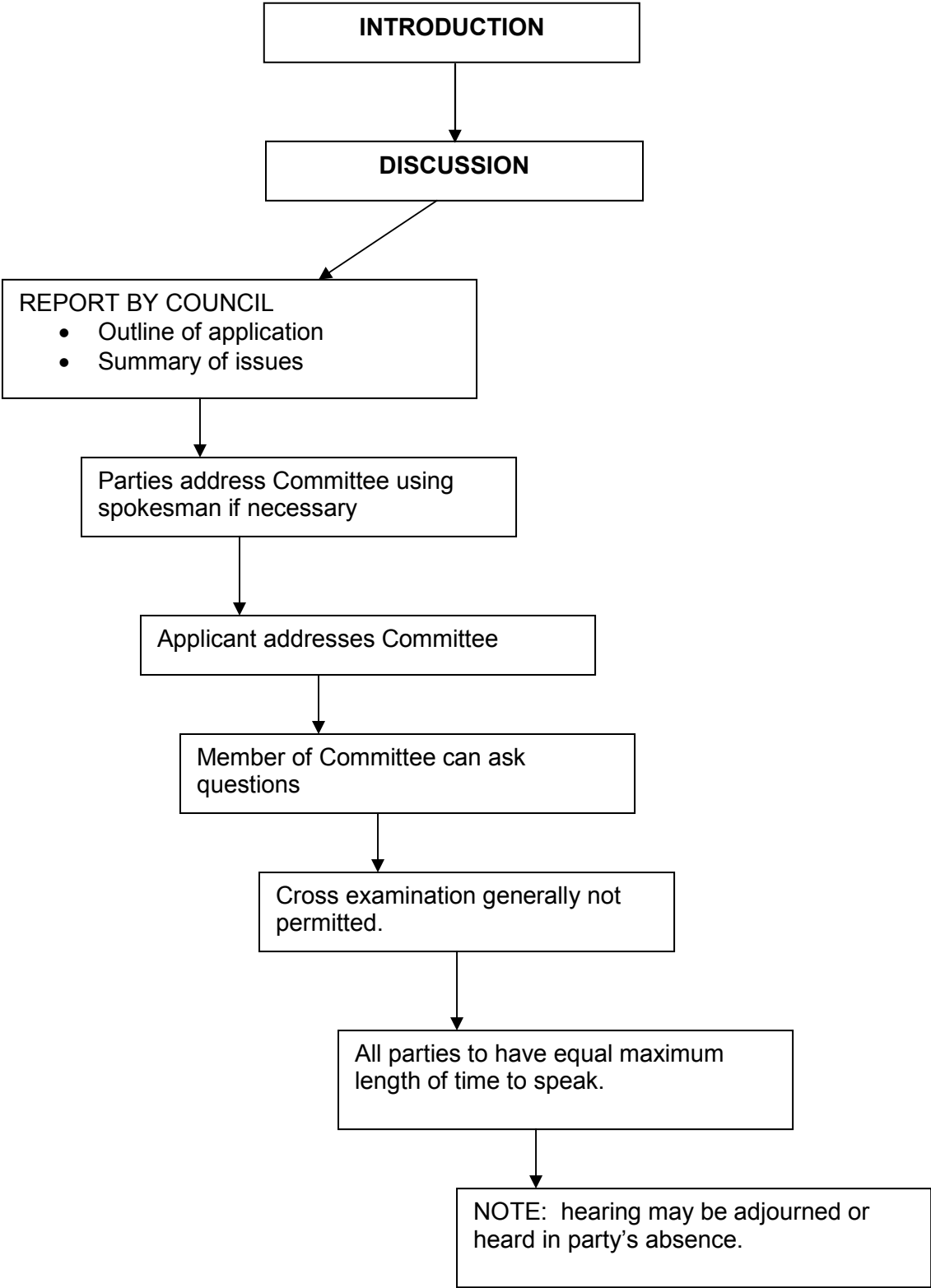
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY COMMITTEE
DATE:	16 SEPTEMBER 2011
TITLE OF REPORT:	THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL FOOTPATH SB7(PART) AND LTB14(PART) PUBLIC PATH DIVERSION ORDER 2011 AND FOOTPATH LTB14(PART) PUBLIC PATH EXTINGUISHMENT ORDER 2011
PORTFOLIO AREA:	Highways and Transportation

CLASSIFICATION: Open

Wards Affected:

Bringsty, Frome

Purpose

To consider an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of footpath SB7, in the parish of Stanford Bishop, and to divert part of footpath LTB12 in the parish of Linton and, under the Highways Act 1980, section 118, to make a Public Path Extinguishment Order to extinguish part of footpath LTB14, in the parish of Linton.

Key Decision

This is not a Key Decision.

Recommendation

THAT a public path diversion Order is made under section 119 of the Highways Act 1980, as illustrated on drawing number: D279/230-12,351-7 and that a public path extinguishment Order is made under section 118 of the Highways Act 1980, as illustrated on drawing number D279/230-14.

Key Points Summary

- The landowner, Mr J F H Hawkins, applied for the diversion of part of Footpath LTB12 IN 1997.
- Footpath LTB12 has been obstructed by farm buildings for many years. The alternative route proposed avoids the farmyard.
- Informal consultations have taken place and there are no outstanding objections to the proposal apart from the observation that higher rights may exist on footpath SB7 which if so will not be diverted to the new route of the footpath. The landowner has been made aware of this and is satisfied that it be diverted as a footpath.

Further information on the subject of this report is available from
Chris Chillingworth, Assistant Rights of Way Officer (01432) 842100

Alternative Options

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion Orders, it does not have a duty to do so. Other options include alternative routes for the diversions or the removal of the farm buildings obstructing the path.

Reasons for Recommendations

- 2 The Public Path Orders should be made because it is felt they meet the criteria set out in Sections 118 and 119 of the Highways Act 1980 and Herefordshire Council's Public Path Order Policy. The objections received at pre-Order consultation stage are believed to have been overcome.

Introduction and Background

- 3 This report is being considered by the Regulatory Committee because it has the delegated authority to make the decision whether or not to make an Order.

Key Considerations

- 4 Mr J F H Hawkins, the landowner, made the application on 3rd June 1997. The reason given for making the application was to legally position the path on the route which was followed by users. Although not stated, the other reason was to divert the footpath from its original line because it has been obstructed by farm buildings for many years.
- 5 The proposed diverted line of footpath SB7(Part) is more easily accessible as it is entirely on level ground and passes through just one field gate compared with two steep banks and two stiles on the existing route.
- 6 The proposed diverted line of footpath LTB12(Part) avoids the hazards of a path which passes through a farm yard; it will also have a kissing gate in place of a stile.
- 7 Due to the way the legislation operates, to achieve the desired changes on the ground, it is necessary to make two separate but concurrent orders, a diversion order under s119 and an extinguishment order under s118.
- 8 The applicant has carried out all pre-order consultations. The proposal has general agreement.
- 9 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's standard charge for making the diversion and extinguishment Orders.
- 10 The local members, Councillors TW Hunt and Councillor P.M. Morgan, have raised no objections to the application.
- 11 The proposed diversion meets the specified criteria as set out in Section 119 of the Highways Act 1980, and in particular that:

The proposal benefits the owner of the land crossed by the existing paths.

The proposal is not substantially less convenient to the public.

It would be expedient to proceed with the proposal given the effect it will have on public enjoyment of the paths.

- 12 Once the diversion LTB 12 has been approved, the criteria for s.118 of the Highways act in relation to LTB 14 will have been met in that the path will no longer be required for public use.

Community Impact

- 13 The Parish Council and local user groups have been consulted as part of the process and the proposal has general agreement. Councillors Hunt and Morgan have been consulted and do not object to the proposals.

Financial Implications

- 14 The applicants have agreed to pay the Council's standard fee for the making of a diversion and extinguishment Order and to pay associated advertising costs. As the application was made in 1997 the applicants will be charged the rate applicable at the time for administration (£600 for each of the two Orders). The applicant has also agreed to meet the cost of bringing the paths into operation.

Legal Implications

- 15 Under Sections 118 and 119 of the Highways Act 1980 the Council has the power to make a extinguishment and diversion Order, it does not have a duty to do so. The council could decide not to make the orders on the grounds that it does meet it's wider objectives.

Risk Management

- 16 If an Order is made to divert part of footpaths LTB12 and SB7, together with the extinguishment of part of footpath LTB14, as recommended within this report, there is a risk that the Order will receive objections and would then require referral to the Secretary of State which will increase the demands on officer time and resources. However extensive informal consultations and negotiations have taken place to minimise the risk of such objections

Consultees

- 17 Prescribed organisations as per Defra Rights of Way Circular 1/09.

Local Members- TW Hunt and PM Morgan

Brockhampton Group Parish Council

Statutory Undertakers

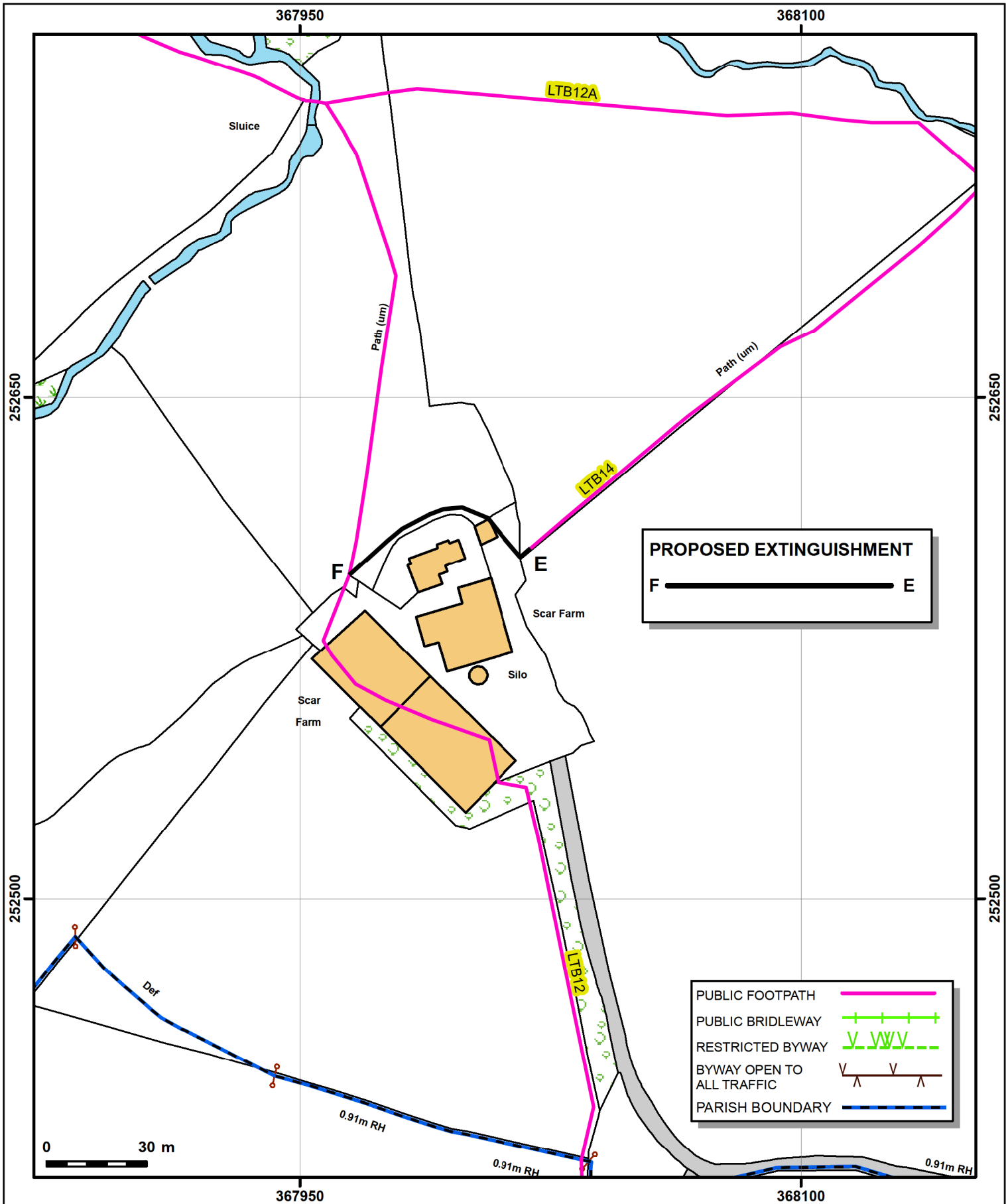
Appendices

- 18 Draft Orders and Order Plans, drawing numbers D279/230-12,351-7 and D279/230-14.

Background Papers

- 19 None identified.

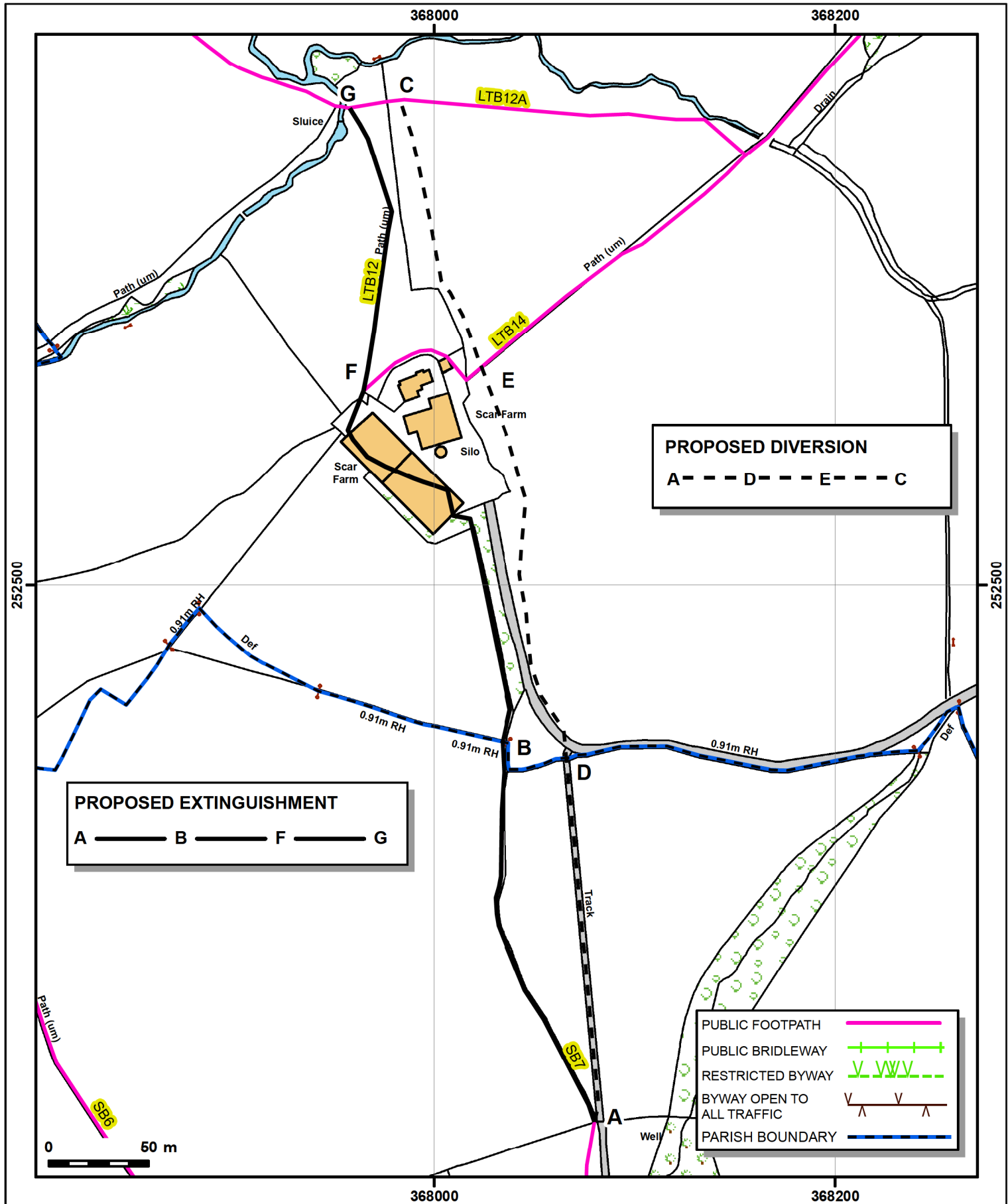
Further information on the report is available from Chris Chillingworth, Assistant Rights of Way Officer on 01432 842100



**HIGHWAYS ACT 1980, SECTION 118
 HEREFORDSHIRE COUNCIL-FOOTPATH
 LTB14 (PART)
 PARISH OF LINTON
 PUBLIC PATH EXTINGUISHMENT ORDER 2011**

**DWG No.: D279/230-14
 SCALE 1: 1,500 (A4)**

Amey Herefordshire
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**HIGHWAYS ACT 1980, SECTION 119
 HEREFORDSHIRE COUNCIL-FOOTPATHS
 LTB12 (PART) & SB7 (PART)
 PARISHES OF LINTON & STANFORD BISHOP
 PUBLIC PATH DIVERSION ORDER 2011**



**DWG No.: D279/230-12,351 - 7
 SCALE 1: 2,500 (A4)**

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Email: ameyherefordshire@amey.co.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 SEPTEMBER 2011
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER BRIDLEWAY CD18 (PART) IN THE PARISH OF CRADLEY
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Hope End

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of bridleway CD18 in the parish of Cradley

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D396/99-18.

Key Points Summary

- Mr A Cripwell applied to divert bridleway CD18 in the parish of Cradley in January 2009.
- The neighbouring landowner, who is also affected, has agreed in writing to the proposals.
- The applicant has carried out a pre-order consultation, to which there were no objections, however, some comments were raised.
- The Local Members do not hold any objections to the proposals.
- The applicant has agreed to pay all necessary costs associated with the making of the order.

Alternative Options

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the

Further information on the subject of this report is available from
Susan White, Assistant Rights of Way Officer on (01432) 842106

grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and there have been no objections at pre-order consultation stage.

Introduction and Background

- 3 Before an order is made to divert a footpath under the Highways Act 1980, it is necessary to gain a decision from the Regulatory Sub-Committee as they hold the delegated authority to make this decision.

Key Considerations

- 4 Mr Cripwell, who is the landowner, made the application on 5th of January 2009. The reasons given for making the application were for 'convenience and safety'.
- 5 The applicant has carried out all pre order consultation. The proposal has general agreement and the adjoining landowner, The Duchy of Cornwall, whose property is also affected by the application has agreed in writing to the diversion.
- 6 The Ramblers' Association, although not objecting to the proposals did request that the route was amended so that after passing through the field gate at point D, it would rise up to higher ground near to the pond and then retain 'a better view of the brick oast-houses and farmhouse'. However, the applicant did not feel that this was desirable as it would require the path to be nearer to the house (see point 11, below). The proposed route still retains good views of the buildings.
- 7 The British Horse Society has requested that the field gate at point D conform to the British Standard and be openable to mounted horse-riders. The CTC have requested that the path be mown 2-3 times /year because it forms part of the AONB cycle route. The applicant has confirmed that he is happy to maintain the route, although this is an informal agreement.
- 8 The OSS were not minded to object as long as the proposed route is free from detrimental technical defects, not less than 3m in width and any gates were bridleway gates, to the British Standard.
- 9 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The other affected landowner has given their written consent that they will not claim compensation, if this diversion Order is made and comes into operation.
- 10 The local members, Cllr. Johnson and Cllr. Attwood do not hold any objections to the proposals.
- 11 Most of the comments from the user groups have been taken into account, ie the width will not be less than 3m, any gates will be to British standard and the landowner has agreed, informally, to maintain the vegetation on the route. However, it was not felt that the Ramblers' Associations' comments to amend the route should be adopted as there are good views of the farm-buildings from the proposed route and that the deviation as suggested by the Ramblers' would introduce a counter-intuitive change of direction which would be detrimental to other user groups.

- 12 The proposed diversion meets the specified criteria as set out in Council policy ie the condition is as substantially as convenient as the original, it is more direct, the width will be set for a bridleway (ie 3 m) and the route still retains views of the original buildings. It also satisfies section 119 of the Highways Act 1980 in particular that:
- The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the point of termination of the paths.
 - The proposal is not substantially less convenient to the public.

Community Impact

- 13 Cradley Parish Council has been consulted and agrees to the proposals.

Financial Implications

- 14 The applicant, Mr A Cripwell has agreed to pay the administration and advertising costs associated with this order, and to pay for any works necessary to bring the proposed route into being.

Legal Implications

- 15 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

Risk Management

- 16 There is a risk that if a diversion order was made as proposed, it may receive objections which would require the matter to be sent to the Secretary of State for a decision, this would have an impact upon Officer time and resources, however, this has been mitigated by carrying out a pre-order consultation to which there were no objections.

Consultees

17

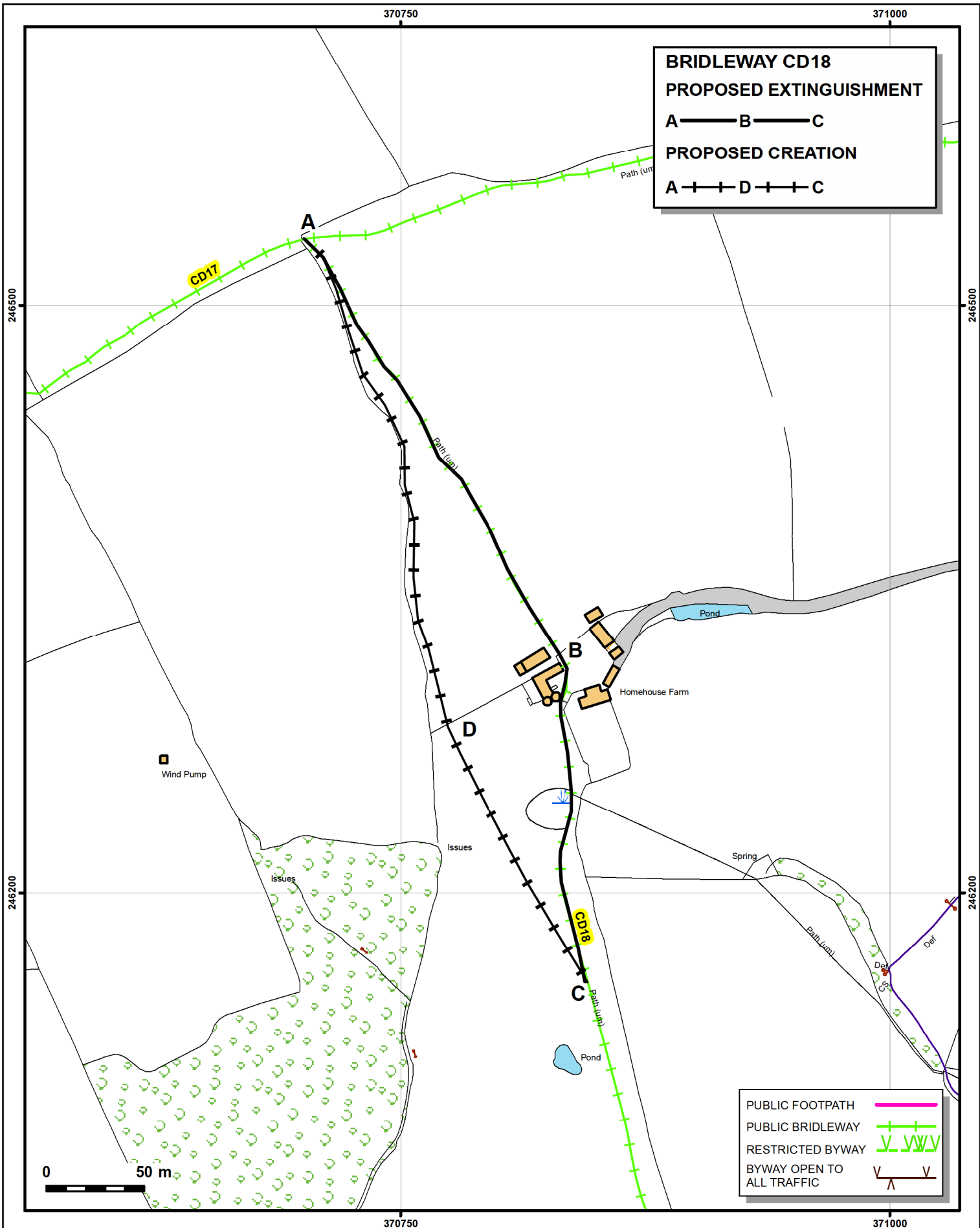
- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Members – Cllr. Attwood and Cllr. Johnson
- Cradley Parish Council.
- Statutory Undertakers.

Appendices

- 19 Order Plan, drawing number: D396/99-18 and Order and Schedule.

Background Papers

- None identified.



HIGHWAYS ACT 1980, SECTION 119
HEREFORDSHIRE COUNCIL - PUBLIC BRIDLEWAY CD18(PART)
PARISH OF CRADLEY
PUBLIC PATH DIVERSION ORDER 2011

Amey Herefordshire
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 Rotherwas Industrial Estate
 Hereford HR2 6JT
 Tel.: (01432) 845 900

DWG No.: D396/99 - 18
 SCALE 1: 2,500 @ A4

Email: ameyherefordshire@amey.co.uk

MEETING:	REGULATORY SUB COMMITTEE
DATE:	16 SEPTEMBER 2011
TITLE OF REPORT:	FOOTPATH WG23(PART) AND 23A(PART) WELLINGTON PUBLIC PATH DIVERSION ORDER 2011 AND FOOTPATH WG23(PART) WELLINGTON EXTINGUISHMENT ORDER 2011
PORTFOLIO AREA:	Highways and Transportation

CLASSIFICATION: Open

Wards Affected

Wormsley Ridge

Purpose

To consider an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpaths WG23 and WG23A and, under Section 118, to make an extinguishment order to extinguish part of footpath WG23, all in the parish of Wellington.

Key Decision

This is not a Key Decision.

Recommendation

THAT a public path diversion Order is made under section 119 of the Highways Act 1980, as illustrated on drawing number: D335/400-23,23A(i) and that a public path extinguishment order is made under section 118 of the Highways Act 1980 as illustrated on drawing number D335/400 - 23(ii).

Key Points Summary

- The landowners Lafarge Redland Aggregates Limited, (now Tarmac Limited) originally applied for the diversion of parts of footpaths WG23 and WG23A, in the parish of Wellington, in May 2000.
- Footpaths WG23 and 23A have been obstructed for many years due to quarry workings. The proposal provides clear footpaths through the site.
- Pre-Order consultation and negotiations have been carried and the proposal has general support

Alternative Options

Further information on the subject of this report is available from
Chris Chilingworth, Assistant Rights of Way Officer (01432) 842100

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion Orders; it does not have a duty to do so. The council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the council. However as the proposal allows for unobstructed access and has general support, this could be considered unreasonable.

Reasons for Recommendations

- 2 The Public Path Orders should be made because it is felt that they meet the criteria set out in Sections 118 and 119 of the Highways Act 1980 and Herefordshire Council's Public Path Order Policy.

Introduction and Background

- 3 This report is being considered by the Regulatory Sub Committee because it has the delegated authority to make the decision whether or not to make an Order.

Key Considerations

- 4 Lefarge Redland Aggregates Limited, the original landowners (now Tarmac Limited), made an application on 16th May 2000. The reason given for making the application was to legally establish the current permissive route as an official diversion. The route was designed to avoid conflict with large mobile plant associated with mineral extraction operations. The applicant has carried out all pre-Order consultations.
- 5 Pre order consultation was carried out at that time but it was not progressed further because it was about to be superseded by an application under Section 270 of the Town and Country Planning Act 1990. In the event however this did not materialise and the original application was then unable to be progressed because of lack of resources available at that time.
- 6 A revised application was subsequently received in 2010 with a new proposed diversion route to take account of quarrying operations that had taken place. Further Pre-Order consultation has been carried out to take account of the changes.
- 7 The alternative route now proposed avoids many of these workings and also the main access road through the quarry. The proposed route is free from gates and stiles, and includes an attractive long section around the edge of a lake for which Tarmac has agreed to provide lakeside seats.
- 8 The proposal has general agreement and support. and informal consultation and negotiations have resulted in there being no outstanding objections .
- 9 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's standard charge for making the orders.
- 10 The Local Member, Councillor AJM Blackshaw has raised no objections to the application.
- 11 Due to the way the legislation operates, to achieve the desired changes on the ground, it is necessary to make two separate but concurrent orders, a diversion order under s119 and an extinguishment under s118 both under the Highways act 1980.
- 12 The proposed diversion meets the specified criteria as set out in Section 119 of the Highways Act 1980, and in particular that:

The proposal benefits the owner of the land.

The proposal is not substantially less convenient to the public.

It would be expedient to proceed with the proposal given the effect it will have on public enjoyment of the paths.

- 13 The proposed extinguishment, when considered concurrently with the diversion, meets the specified criteria as set out in Section 118 of the Highways Act 1980, and in particular that the section of path affected is not needed for public use.

Community Impact

- 14 The Parish Council and local user groups have been consulted as part of the process and the proposal has general agreement and support. Councillor Blackshaw has been consulted and has not objected to the proposal.

Financial Implications

- 15 The applicant has agreed to pay the Council's standard fee for the making of a diversion Order and to pay associated advertising costs. The applicant will be charged the rate applicable in 2010 (£800) for each of the two Orders, plus an extra £100 for the additional path involved. The applicant has also agreed to meet the cost of bringing the paths into operation.

Legal Implications

- 16 Under section 118 and 119 of the Highways Act 1980 the Council has the power to make extinguishment and diversion Orders. It does not have a duty to do so.

Risk Management

- 17 If an Order is made to divert part of footpaths WG23 and WG23A , together with the extinguishment of part of footpath WG23, as recommended within this report, there is a risk that the Order will receive objections and would then require referral to the Secretary of State which could increase the demands on officer time and resources. However, extensive informal consultations and negotiations have taken place to minimise the risk of such objections.

Consultees

- 18 Prescribed organisations as per Defra Rights of Way Circular 1/09.

Local Member AJM Blackshaw.

Wellington and Marden Parish Councils.

Statutory Undertakers.

Appendices

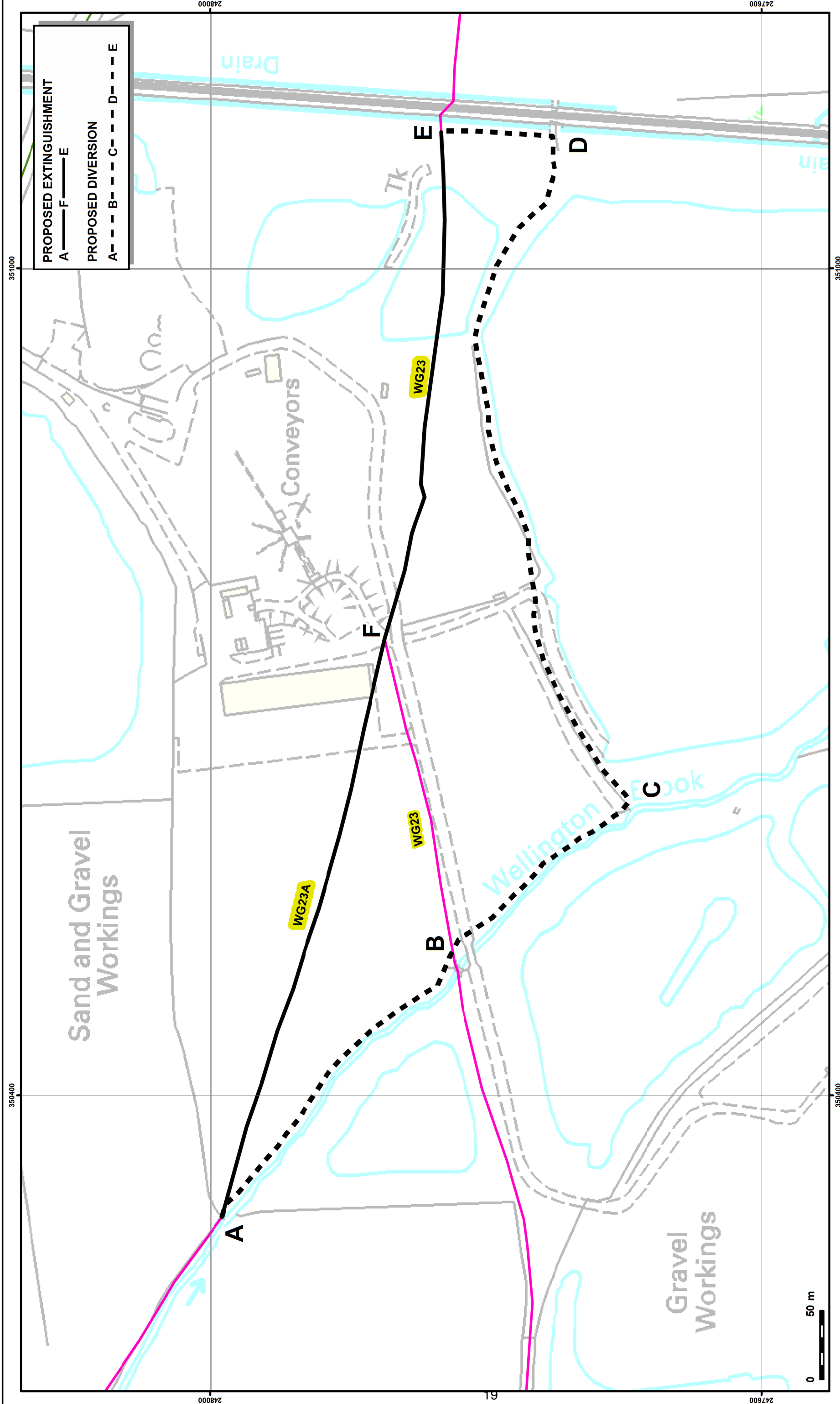
- 19 Draft Orders and Order Plans, drawing numbers D335/400-23, 23A(i) and D335/400-23(ii).

Background Papers

- None identified.

Further information on this report is available from Chris Chillingworth, Assistant Rights of Way

Officer on 01432 842100



HIGHWAYS ACT 1980, SECTION 119
COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL - FOOTPATHS WG23 & WG23A
PARISH OF WELLINGTON
PUBLIC PATH DIVERSION ORDER 2011

DWG No.: D335/400 - 23, 23A(i)
 SCALE 1: 2,500 @ A3

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Legend:

- PUBLIC FOOTPATH
- PUBLIC BRIDLEWAY
- - - RESTRICTED BYWAY
- - - BYWAY OPEN TO ALL TRAFFIC

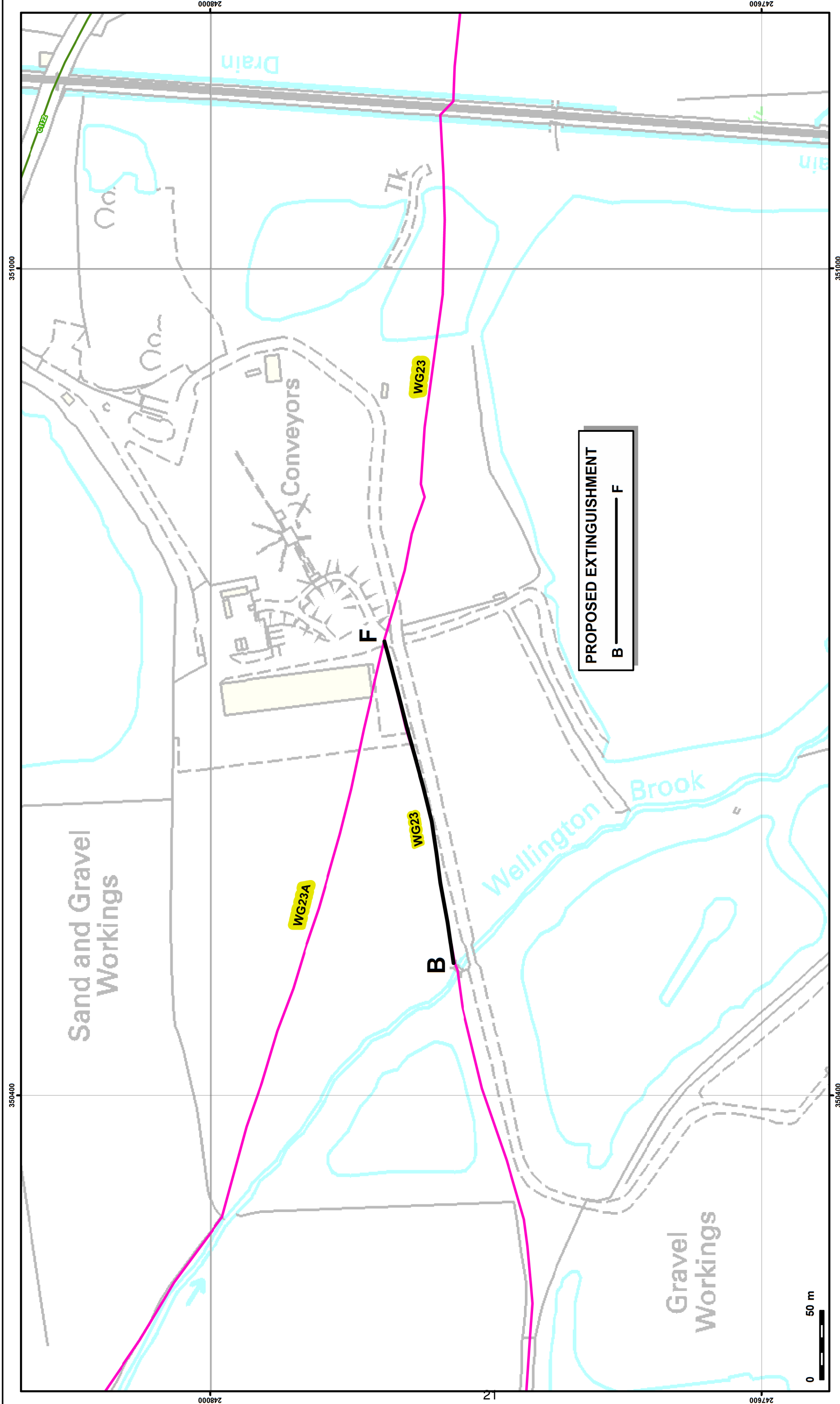
PROPOSED EXTINGUISHMENT
 A — F — E

PROPOSED DIVERSION
 A - - - B - - - C - - - D - - - E

Scale: 0 50 m

North Arrow: NORTH

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Amey Herefordshire
 Unit 3, Thorn Business Park
 Rotherwas Industrial Estate
 Hereford HR2 6JT
 Tel.: (01432) 845 900
 Email: ameyherefordshire@amey.co.uk

	PUBLIC FOOTPATH
	PUBLIC BRIDLEWAY
	RESTRICTED BYWAY
	BYWAY OPEN TO ALL TRAFFIC

HIGHWAYS ACT 1980, SECTION 118
COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL - FOOTPATH WG23 (PART)
PARISH OF WELLINGTON
PUBLIC PATH EXTINGUISHMENT ORDER 2011
 DWG No.: D335/400 - 23(ii)
 SCALE 1: 2,500 @ A3

NORTH

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MEETING:	REGULATORY SUB-COMMITTEE
DATE:	6 SEPTEMBER 2011
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE 'THE QUEENS ARMS, 30 HIGH STREET, BROMYARD, HR7 4AE – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider an application for the grant of a premises licence in respect of 'The Queens Arms, 30 High Street, Bromyard, HR7 4AE.

The determination of the application was previously adjourned at the Regulatory Sub-Committee on 6 September 2011.

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

- Two (2) representation from members of the public
- Three (3) representations from Responsible Authorities (Police, Trading Standards & Environmental Protection)

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	William Henry Topham The Queens Arms, 30 High Street, Bromyard. HR7 4AE	
Solicitor	N/A	
Type of application: New Application	Date received: 15/07/2011	28 Days consultation 12/08/2011

Licence Application

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

Current Licence

- 5 The premises is currently licensed as follows: -

A performance of live music (Indoors), Any playing of recorded music (Indoors), Provision of late night refreshment alcohol and Sale by retail of alcohol (For consumption both on and off the premises)

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 each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
A further additional hour every Christmas Eve and Boxing Day.
From the end of permitted time on New Years Eve to the start of permitted time on New Years Day

Seasonal variations: None

Summary of Application

6 The application requests:

A performance of live music, (Indoors & Outdoors)

Friday & Saturday: 11:00 – 23:00

Sunday: 12:00 – 22:30

Any playing of recorded music (indoors), Supply of alcohol (on premises)

Sunday – Wednesday: 11:00 – 23:00

Thursday: 11:00 – 00:00

Friday & Saturday: 11:00 – 01:00

Non Standard Timings:

A performance of live music: 2nd weekend in September (may vary) Bromyard Folk Festival Music may be performed all day over the weekend inside and out. Also future festivals dates unknown.

Supply of Alcohol: Outside bar 11:00 to 23:00 Monday to Sunday April to October.

Seasonal variations: None

Summary of Representations

7 A copy of the representations can be found within the background papers.

8 Representations have been made by:

Two (2) members of the public

Three (3) from Responsible Authorities (Police, Trading Standards & Environmental Protection). (Trading Standards Representations accepted by applicant)

Key Considerations

9 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.

Community Impact

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

Legal Implications

- 11 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.

- 12 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.

In this case it was summed up that: -

- 13 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.

- 14 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.

- 15 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'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

- 16 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).

17 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

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

19 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.

20 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.

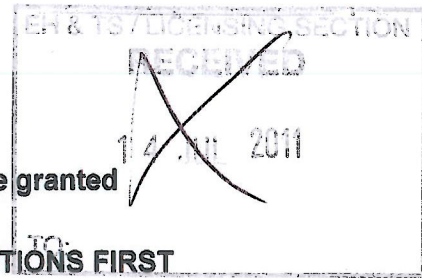
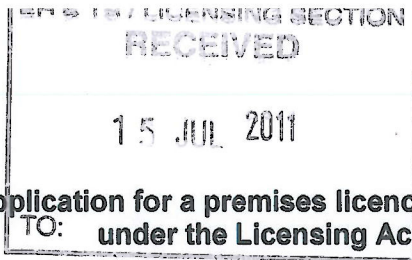
21 The applicant has **NOT** produced a copy of the advertisement.

Appendices

- 22
- a. Application Form
 - b. Public Representation
 - c. Police Representation
 - d. Trading Standards Representation
 - e. Environmental Protection 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.



Application for a premises licence to be granted
TO: 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 William Henry Topham

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Queens Arms, 30, High Street, Bromyard Herefordshire			
Post town	BROMYARD	Post code	HR7 4AE

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£7500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname TOPHAM			First names WILLIAM HENRY		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	8	2	0	1	1

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

Day		Month		Year			

Please give a general description of the premises (please read guidance note1)
A PUBLIC HOUSE IN THE CENTRE OF BROMYARD WITH A RESTAURANT AND AN
OUTSIDE BAR, SMOKING AREA AND CAR PARK. OUTSIDE SEATING WITH UMBERELLAS

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

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

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

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)

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<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)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<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)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
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 (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) 2 ND WEEK END IN SEPTEMBER(may vary) BROMYARD FOLK FESTIVAL MUSIC MAY BE PERFORMED ALL DAY OVER THE WEEK END INSIDE AND OUT. ALSO FUTURE FESTIVALS DATES UNKNOWN		
Thur					
Fri	11.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11.00	23.00			
Sun	12.00	10.30			

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00	23.00		<u>Please give further details here</u> (please read guidance note 3)	
Tue	11.00	23.00			
Wed	11.00	23.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11.00	24.00			
Fri	11.00	01.00	<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)		
Sat	11.00	01.00			
Sun	11.00	23.00			

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"/>
					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 performance of dance</u> (please read guidance note 4)			
Wed						
Thur			<u>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</u> (please read guidance note 5)			
Fri						
Sat						
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)		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 provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>		
Wed			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u>		
Thur					
Fri			<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 (please read guidance note 5)</u>		
Sat					
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	24.00			
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	23.00			
			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) OUTSIDE BAR 11.00-23.00 MONDAY TO SUNDAY APRIL TO OCTOBER		

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

Name NEIL BERNARD CLAY	
Address [REDACTED] BROMYARD	
Postcode	HR7 4DT
Personal Licence number (if known) 819	
Issuing licensing authority (if known) HEREFORDSHIRE COUNCIL	

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	23.30	<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)
Tue	11.00	23.30	
Wed	11.00	23.30	
Thur	11.00	24.30	
Fri	11.00	01.30	
Sat	11.00	01.30	
Sun	11.00	23.30	

P Describe the steps you intend to take to promote the four licensing objectives:

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

b) The prevention of crime and disorder

See attached sheet

c) Public safety

See attached sheet

d) The prevention of public nuisance

see attached sheet

e) The protection of children from harm

See attached sheet

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of **EVIDENTIAL QUALITY** in all lighting conditions particularly facial recognition.

Cameras encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

, recordings are kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format **EITHER DISC or VHS** to the Police/Local Authority on demand.

The Recording equipment and tapes/discs are kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report is maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

Drugs Awareness

Conflict resolution

Selling to under age person

Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

The Queens Arms is a member of the **B>A>N>D** scheme which aims to bar offenders from all local pubs if they cause disturbance or disorder in any.

Signs are displayed warning that drug taking will not be tolerated under any circumstances.

Drinks purchased in the pub cannot be taken into the street outside

All outside areas are well lit

Glasses and bottles are not allowed outside in the licensed area after 23.00

Two months notice will be given to the Police before any other festivals take place

Protection of Children

No person under the age is permitted on the premises unless dining and accompanied by an adult aged 21 or over.

The premises operates a Challenge 21 Policy. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated

No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS.

PUBLIC SAFETY

All staff shall wear clothing which identifies them as members of staff of the premises.

Electrical & Gas Installations

All electrical wiring and distribution systems are tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act (2003) or Police on demand.

All portable electrical equipment are powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.

All exits doors are capable of being opened without the use of a key.

Automatic emergency lighting, powered by an independent source, is provided. Any emergency lighting batteries are fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements are in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.

Prevention of Public Nuisance

All windows will be kept shut after 22.00 hours

Loudspeakers are not located in the entrance lobby or external to any part of the premises.

Prominent, clear and legible signage (in not less than 32 font bold) is displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

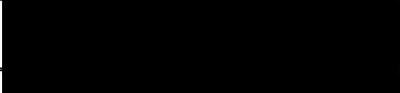
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	owner

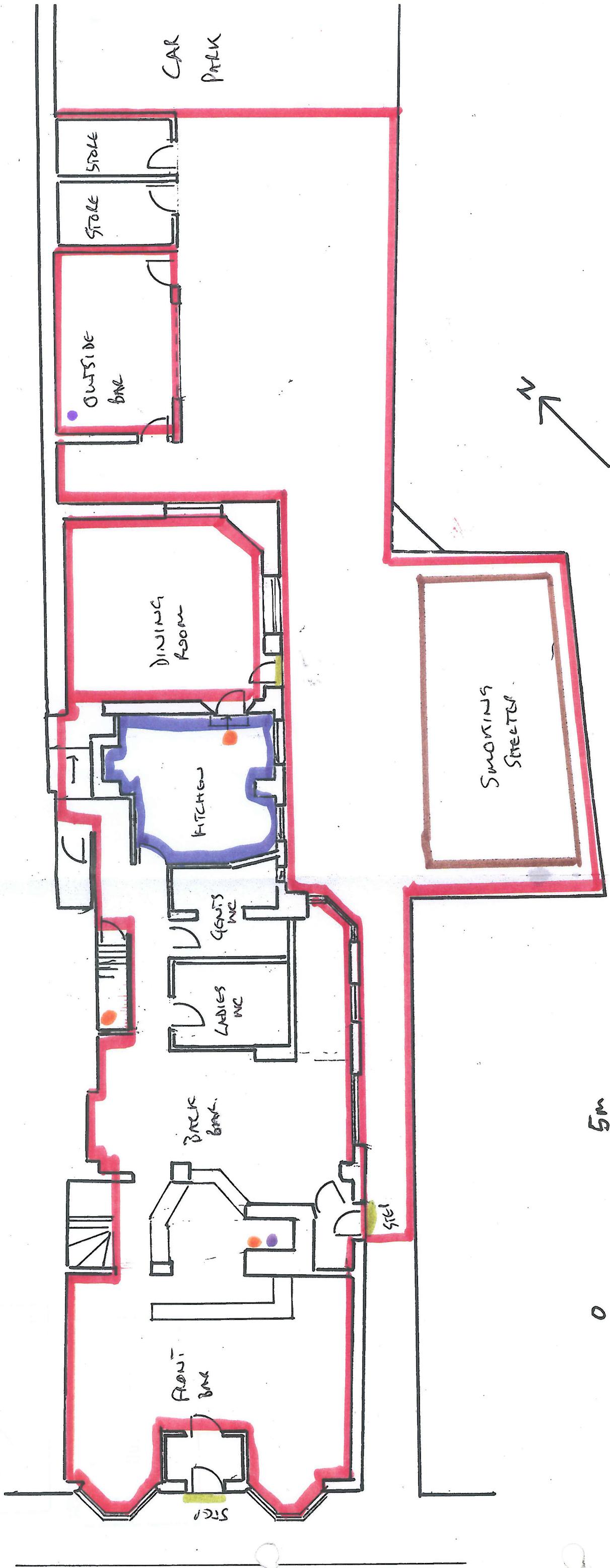
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

THE QUEENS ARMS.
 HIGH ST
 BROMWICH
 HET 474E



Williams, Rebecca

From: Hough, David
Sent: 01 August 2011 16:02
To: 'queensarmspub@btinternet.com'
Cc: Licensing
Subject: Licence application for Queens Arms Bromyard

Mr Topham

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application for a premise licence for The Queens Arms Bromyard.

Trading Standards has the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

After looking at your application especially the section protection of children from harm you state the steps you would take to prevent the sale of alcohol to a person under the age of eighteen would be Staff Training, and a Challenge 21 policy.

I would look to having the following conditions on your licence which firm up your training , implement a challenge 25 policy rather than challenge 21 also to have a written refusals register

1. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course approved by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

If you agree to these conditions could you email me stating you agree and copy the email to licensing@herefordshire.gov.uk

Or

If you wish to discuss this matter further please do not hesitate in contacting me

Regards

David Hough

David Hough
Principal Trading Standards Officer

**Environmental Health and Trading Standards
Peoples' Services Directorate
Health and Well Being Services
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email. dthough@herefordshire.gov.uk
GCSX. dthough@herefordshire.gcsx.gov.uk
Council's Homepage www.herefordshire.gov.uk**

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SMOKING - It won't kill you to stop, but it probably will if you don't... For free help and advice on quitting, call our smoking team on 01432 383567 Email address stopsmoking@herefordshire.gov.uk or stopsmoking@herefordpct.nhs.uk to

MEMORANDUM

To : RESPONSIBLE AUTHORITIES

From : LICENSING ASSISTANT, LICENSING SECTION, ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 260105 My Ref : ADP/PR01502

Date : 15 July 2011 Your Ref :

LICENSING ACT 2003 NOTIFICATION OF APPLICATION FOR GRANT/VARIATION OF PREMISES LICENCE

The Licensing Section has received the following applications for the grant/variation of a premises licence. A summary of each application is provided in the table below and as a responsible authority you may have already received your copy of the application, however if you would like to view any of the applications copies are available at the licensing section.

Should you wish to make a representation in respect of any one of the applications listed then please submit your information on the memorandum below to the licensing section before expiry of the 28 day representation period which is the date shown in column 3 of the table below. Please be aware that the licensing authority can only consider those representations that are relevant to the four licensing objectives: *Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection of Children from Harm.*

Additionally, you should be aware that under the legislation Ward Members do not have an automatic right to make representations on behalf of their constituents, but have the right to make representations when specifically requested to do so by constituents who live in the vicinity of the premises. To prevent challenges by unsuccessful applicants Members may wish to request any objector to include in any letter of objection to the Member or to the Licensing Section that they formally authorise the Ward Member to make representations on their behalf.

For the Environmental Health Commercial and Environmental Protection Teams should officers wish to raise any issues in respect of any of the applications listed below please contact the Environmental Health team (licensing) in good time for the relevant representations to be co-ordinated and made to the licensing section within the 28 day period.

Working in partnership for the people of Herefordshire

PO Box 233, Hereford. HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire

Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

Premise Name	Premise address	Max Time	End of 28day Period	Current Licence
THE QUEENS ARMS	30 High Street Bromyard Herefordshire HR7 4AE	<p>Live Music Fri & Sat 11:00-23:00 Sun 12:00 10:30 (all day during Bromyard Folk Festival weekend and other pre-planned festivals)</p> <p>Recorded Music Sun -Wed 11:00-23:00 Thurs 11:00-24:00 Fri & Sat 11:00-01:00</p> <p>Sale/supply of alcohol Sun -Wed 11:00-23:00 Thurs 11:00-24:00 Fri & Sat 11:00-01:00</p>	12.08.2011	<p>New Grant PR01502</p> <p>Existing licence PR00700 will be surrendered when new licence issued.</p>

**ADY POOLE
LICENSING ASSISTANT
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

MEMORANDUM

To : LICENSING OFFICER

From : A TREZINS

Tel : 1765

Date : 21/6/11

My Ref :

Your Ref :

LICENSING ACT 2003

APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	N/A
PUBLIC SAFETY	N/A
PREVENTION OF PUBLIC NUISANCE	I have concerns about music live or recorded played outdoors and would wish to object to the proposal for live music out doors.
PROTECTION OF CHILDREN FROM HARM	I would suggest a challenge 25 policy is adopted

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

Working in partnership for the people of Herefordshire

PO Box 233, Hereford. HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire

Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

OFFICER A TREZINS
POSITION Environmental Protection Manager
AUTHORITY Environmental Health and Trading Standards

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 19 July 2011 15:00
To: Licensing
Cc: Spriggs, Fred
Subject: The Queens Arms, High Street, Bromyard

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a premises licence application for the **Queens Arms, High Street, Bromyard.**

The premises is already licensed and it appears the applicant is seeking to replace all existing conditions and seeking to amend the licensable activities.

West Mercia Police would seek to put the following conditions on a licence granted to this premises in order to promote the licensing objectives. These representations are based on the existing licence, the submissions made by the applicant, the history of the premises and Herefordshire Council Licensing policy. It is our view that these representations are necessary, proportionate, achievable and enforceable.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting condition

particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date orders numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named

individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.

3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register

shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

5. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)

6. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained 12 (twelve) monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

7. All windows will be kept shut after 2200 hours.

8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

9. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

10. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

11. No external area at the premises shall be used after 23:00 hours for licensable activities.

12. No open containers will be removed from the premises with the exception of areas covered for licensable activities.

13. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

14. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

There are other issues, such as noise and light management, that I have 'touched on' that are best addressed by the relevant responsible authority.

The applicant has additionally requested that 'live music' as a licensable activity be allowed for the duration of the Bromyard Folk Festival 'inside

and outside' the premises. There are no police objections to this part of the application, as it is covered in both the hours applied for the control

measures covered in point 11 above.

Additionally the applicant has requested a similar seasonal variation for 'future festivals, dates unknown'. It is the view of the Chief Constable that non-standard timings related to known fixed events such as the bank holidays applied for in this application as opposed to events identified on an ad hoc basis by the operators of the premise. Provision has been made in the act to cover such ad hoc events by way of temporary event notices and there is no legal basis for the applicant to hold such ad hoc days on the giving of written notice to the police.

These are the minimum conditions West Mercia Police would wish to see on any premises licence granted to this location.

Regards

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
licensing.herefordshire@westmercia.pnn.police.uk

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Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 11 August 2011 15:13
To: Licensing
Cc: Spriggs, Fred; Scott,Andrew (e div)
Subject: Queens Arms Public House Bromyard - premises licence application

Importance: High

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a premises licence application for the **Queens Arms, High Street, Bromyard.**

The premises is already licensed and it appears the applicant is seeking to replace all existing conditions and seeking to amend the licensable activities.

At the time of receiving the application there was no premises plan attached to the police copy of the application. The plan has now been provided to West Mercia Police. The plan however does not give detail of the street names and basically indicates a layout of the premises and the proposed areas to be covered by the premises licence. It is understood that the premises does not have any external areas - which are not a public place - that can be used as part of the premises licence for licensable activities.

West Mercia Police object to the external area proposal for licensable activities. This area is a part of the public highway and is a passageway linking two streets. This area is also included in the local street drinking restriction order, that prohibits the consumption of alcohol at all times. This order is in place based on need and evidence provided by both West Mercia Police and other parties prior to the order being put in place. To allow this area to be used for the consumption of alcohol and other licensable activities would greatly undermine the licensing objectives.

With regards to the remainder of the application, West Mercia Police would seek to put the following conditions on a licence granted to this premises in order to promote the licensing objectives. These representations are based on the existing licence, the submissions made by the applicant, the history of the premises and Herefordshire Council Licensing policy. It is our view that these representations are necessary, proportionate, achievable and enforceable.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting condition

particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date orders numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named

individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
5. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
6. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained 12 (twelve) monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
7. All windows will be kept shut after 2200 hours.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised

person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

10. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

11. No external area - controlled and managed by the premises licence holder and forming part of the physically premises known as the Queens Arm Public House - shall be used after 23:00 hours for licensable activities.

12. No open containers will be removed from the physically premises known as the Queens Arms Public House.

13. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

14. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

There are other issues, such as noise and light management, that I have 'touched on' that are best addressed by the relevant responsible authority.

The applicant has additionally requested that 'live music' as a licensable activity be allowed for the duration of the Bromyard Folk Festival 'inside

and outside' the premises. West Mercia Police object to this part of the application with regards to the 'outside of the premises' as already

indicated.

It is the view of the Chief Constable that non-standard timings relate to known fixed events such as the bank holidays applied for in this application as opposed to events identified on an ad hoc basis by the operators of the premise. Provision has been made in the act to cover such ad hoc events by way of temporary event notices and there is no legal basis for the applicant to hold such ad hoc days on the giving of written notice to the police.

These are the minimum conditions West Mercia Police would wish to see on any premises licence granted to this location.

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

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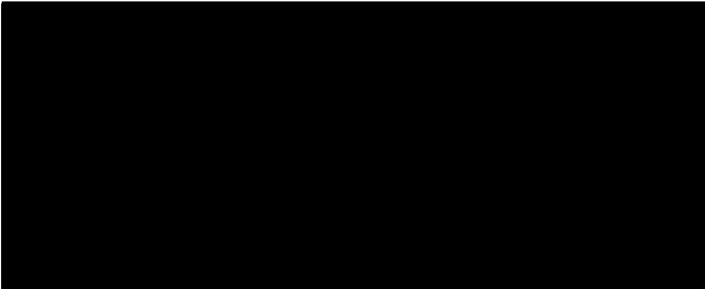
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Thank you for your co-operation.

West Mercia Police 0300 333 3000



Sent: 11 August 2011 10:53
To: Licensing
Subject: QUEENS ARMS BROMYARD

Dear Sir/Madam

I am emailing to put in writing my objection to extending the licensing hours of the Queens Arm Public House in Bromyard.

My house is very close to the pub and I feel that I have enough problems from there already without extending the hours. The police are called out regularly due to fighting and drunks causing a nuisance in the street with singing and shouting. I am also aware that people who are already drunk are continued to be served with drinks.

I have sometimes had vomit or urine by the wall at the front of my house and on one occasion someone who was drunk came through my side door into the back garden to make a shortcut into the rear carpark by the veterinary surgery.

I have 2 children who I live alone with, one is just 3 years old and the other is almost 6 months. They get woken up regularly by people from the pub and my 3 year old son gets very frightened and distressed. In fact, last Friday due to a music licence the noise was so loud from 20.45 until after midnight that I phoned environmental health, and also the father of my baby to come and stop as I was so concerned about the effect on my children, as well as being frightened by all the drunken people who were in the street.

The public house is in a heavily residential area, and when I moved to Bromyard was not open so I have found the nuisance from it over the whole of the weekend (including Sunday nights) very difficult to cope with. I know other people have complained about the pub and as most of the houses in the row where I live contain very young children it really isn't an ideal situation to have drunken people fighting, shouting and screaming late at night.

I hope you will take my concerns into account when considering extending the hours of this public house. I do not want to spoil anyone having a night out but due to the lack of concern about the affect they are having on others from the people who use this facility I felt strongly that I needed to put forward my complaint.

Thank you.

of

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.

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

LOCAL RESIDENTS + BUSINESS

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

QUEENS ARMS - HIGH STREET, BROMYARD
MR TOPHAM'S APPLICATION TO EXTEND HOURS

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 - FIGHTS REGULARLY BREAK OUT IN PUB + STREET - DAMAGE TO NEIGHBOURING PROPERTIES + CARS IS REGULAR. - YOUNG BAR STAFF DO NOTHING TO STOP THIS, LANDLORD OFTEN ABSENT AT WEEKENDS. NO POLICE AT NIGHT IN BROMYARD.

Public Safety

RESIDENTS SCARED TO GO OUTSIDE TO PROTECT THEIR PROPERTY - GLASSES BEING THROWN - WINDOWS BROKEN - NO POLICE IN BROMYARD

To Prevent Public Nuisance

TOO MANY DRUNKS IN STREET - VERY YOUNG. MUSIC TOO LOUD FOR OLD PROPERTIES WITH HISTORIC SINGLE GLAZING: WILL DISTURB ALL RESIDENTS

To Protect Children from Harm

CHILDREN IN PROPERTIES OPPOSITE WILL NOT BE ABLE TO SLEEP DUE TO THE NOISE + BAD LANGUAGE + VIOLENCE

Signed: /

Date: 27-7-2011

ELI REPRE - 1 Representation Form - Interested Parties

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

27 JUL 2011



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties
Suggested Conditions

Premise: Queens Arms Bromyard Your name: 

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder

BAR STAFF SHOULD REFUSE TO SERVE THOSE TOO YOUNG - TOO DRUNK - TOO DISORDERLY. -STAFF SHOULD PHONE POLICE + SHUT PUB IF NECESSARY. PROMYARD NEEDS POLICE AT NIGHT

Public Safety

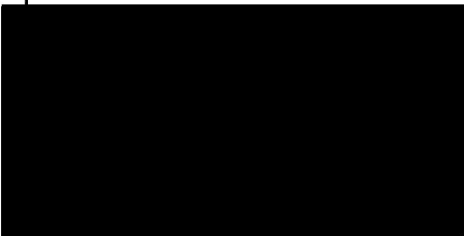
STOP CUSTOMERS TAKING GLASSES INTO HIGH STREET - POLICING NECESSARY. AT NIGHT

Prevent Public Nuisance

KEEP SOUND LEVELS DOWN ESPECIALLY AFTER 10.30pm. KEEP DRUNKEN CUSTOMERS OFF HIGH STREET.

CURRENT OPENING HOURS ARE SUFFICIENT

Protect Children from Harm



Date: 27-7-11

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

ELI & TS, LICENSING SECTION
RECEIVED
08 AUG 2011
TO:

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 SEPTEMBER 2011
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE 'BROMYARD RUGBY FOOTBALL CLUB, TENBURY ROAD, BROMYARD, HR7 4LW. – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider an application for the grant of a premises licence in respect of 'Bromyard Rugby Football Club, Tenbury Road, Bromyard, HR7 4LW.

Key Decision

This is not a Key Decision.

Recommendation

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

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

Key Points Summary

- **One (1)** representation from a member of the public
- **One (1)** representation from a Responsible Authority (Police)

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	Bromyard Rugby Football Club Tenbury Road, Bromyard. HR7 4AE	
Solicitor	N/K	
Type of application: New Application	Date received: 03/08/2011	28 Days consultation 30/08/2011

Licence Application

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

The applicant has produced a copy of the advertisement which is correct but does not mention the non-standard timings or New Year's Eve with no reference is made to the marquee or the proposed outside entertainment.

Current Licence

- 5 The premises is currently licensed under a club premises certificate as follows: -

A performance of live music; Any playing of recorded music; Other regulated entertainment;

Dancing; Supply of alcohol

Monday-Thursday: 19:00 - 00:00

Friday: 19:00 - 02:00

Saturday: 12:00 - 02:00

Sunday: 12:00 - 22:30

Non-standard timings:

None

Summary of Application

6 The application requests:

Indoor Sporting Events, Live Music, Recorded Music, Performance of dance, Provision of facilities for dancing, Late Night Refreshment - (All indoors), Sale of Alcohol (On the premises only)

Monday to Thursday: 19:00 – 00:00

Friday & Saturday: 12:00 – 02:00

Sunday 12:00 – 23:30

Late Night Refreshment

Monday to Thursday: 23:00 – 00:00

Friday & Saturday: 23:00 – 02:00

Sunday 23:00 – 23:30

Non Standard Timings:

Live Music, Recorded Music, Late Night Refreshment - (All indoors), Sale of Alcohol

A Saturday in August following the provision of a Summer Ball until 04:00

New Years Eve until 04:00

Seasonal variations: None

Summary of Representations

7 A copy of the representations can be found within the background papers.

8 Representations have been made by:

One (1) member of the public

One (1) Responsible Authority (Police) which have been accepted by the applicant but have been amended to read for Non Standard timings 'the 2nd weekend in August each year'.

Key Considerations

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

Community Impact

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

Legal Implications

11 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.

12 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.

In this case it was summed up that: -

13 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.

14 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.

15 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'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

16 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).

17 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

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

19 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.

20 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.

21 The applicant has produced a copy of the advertisement which is correct but does not mention the non-standard timings or New Year’s Eve and no reference is made to the marquee or the proposed outside entertainment.

Appendices

- 22
- a. Application Form
 - b. Public Representation
 - c. Police 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.

* required information

Section 1 of 22

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

Section 2 of 22

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 22

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

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

Provide a general description of 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.

Rugby Club part of Bromyard Sports Foundation with two pitches. Situated just out of Bromyard on the Tenbury Road. No direct neighbors. Built in bar and kitchen.

Section 6 of 22

PROVISION OF PLAYS

Continued from previous page...

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.

State any seasonal variations for indoor sporting events

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 22

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 22

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 22

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 22

PROVISION OF FACILITIES FOR MAKING MUSIC

Will you be providing facilities for making music?

- Yes No

Section 15 of 22

PROVISION OF FACILITIES FOR DANCING

Will you be providing facilities for dancing?

- Yes No

Continued from previous page...

State any seasonal variations for the provision of dancing facilities

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 16 of 22

PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING

Will you be providing facilities similar in nature to those provided for making music or dancing?

Yes No

Section 17 of 22

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

<input type="radio"/>	MONDAY	Start	<input type="text" value="19:00"/>	End	<input type="text" value="00:00"/>
		Start	<input type="text"/>	End	<input type="text"/>
	TUESDAY	Start	<input type="text" value="19:00"/>	End	<input type="text" value="00:00"/>
		Start	<input type="text"/>	End	<input type="text"/>
	WEDNESDAY	Start	<input type="text" value="19:00"/>	End	<input type="text" value="00:00"/>
		Start	<input type="text"/>	End	<input type="text"/>
	THURSDAY	Start	<input type="text" value="19:00"/>	End	<input type="text" value="00:00"/>
		Start	<input type="text"/>	End	<input type="text"/>

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.

Continued from previous page...

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

Continued from previous page...

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 etc gambling machines etc.

Section 20 of 22

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Adequate means of ventilation and heating shall be provided at the premises whilst open to the public and shall be maintained in a proper working condition.

FIRST AID

The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

LIGHTING

All parts of the premises shall be provided with adequate illumination during the whole time the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.

ELECTRICAL INSTALLATION

A current inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS5266-1

FIRE SAFETY

The Licensee shall ensure that a fire risk assessment is carried out for the whole premises. He/she shall also ensure that all fire risk assessments are minimised in accordance with current industry good practice and a full copy of this risk assessment is made available for inspection on request by an authorised officer.

The fire risk assessment shall cover the following areas;

- a. Means of escape
- b. Exit routes and exit notices
- c. Exit doors.
- d. Disabled access of escape
- e. Reporting of Fires
- f. Fire procedure
- g. Fire logbook
- h. Access for Fire Appliances
- i. Fire fighting equipment
- j. Fire Resistant Furniture and Fittings
- k. Explosive and Flammable Substances

The Licensee is responsible at all times for ensuring the safety of public in attendance in the event of fire or any other emergency.

GAS INSTALLATIONS

The gas installation shall hold a current safety certificate.

OPEN CONTAINERS

No open containers to be removed from the premises except for consumption in any external area provided for that purpose.

d) The prevention of public nuisance

Late night events staff request people leaving to limit their noise when walking or driving off the premises. Music from disco equipment is indoors and the sound checked by staff when checking outdoors.

NOISE AND VIBRATION

The Licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.

The licensee shall be responsible for ensuring the local area is assessed, from time to time, for noise breakout from the premises during performances.

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 and area quietly.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

- Premises plan
- Consent form of premises supervisor

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text" value="Po Box 233"/>
Street	<input type="text" value="County Offices"/>
District	<input type="text" value="Hereford"/>
City or town	<input type="text" value="Bath Street"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="HR1 2ZF"/>
Country	<input type="text" value="UK"/>

DECLARATION

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 12 July 2011 18:16
To: Licensing
Cc: Spriggs, Fred
Subject: Bromyard Rugby Club - premises licence application

Follow Up Flag: Follow up
Flag Status: Completed

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a premises licence for **Bromyard Rugby Club, Tenbury Road, Bromyard.**

As at this time, this premises is licensed by a club premises certificate. There are no police objections to the new application, but West Mercia Police are of a view that the premises should surrender the 'old licence' as to hold two licenses would potentially undermine the licensing objectives.

West Mercia Police have the following representations regarding this application in order to promote the licensing objectives. When submitting these representations, West Mercia Police has taken into account the history of the premises, the submissions put forward by the applicant and Herefordshire Council Licensing Policy. It is our belief that the representations are necessary, proportionate, achievable and enforceable.

1. In the event of pre planned events on Friday, Saturdays and New Years Eve SIA Licensed Door staff shall be employed at the premises as shown below until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

Duties: Two (1) Door-staff shall commence duty at 2100 hrs.

Two (2) further Door-staff shall commence duty at 2200 hrs when the premises operate for licensable activities.

After 2300 hrs - Two (2) SIA Licensed Door-staff shall be deployed at the main access and egress point(s) until the termination of licensable activities. One (1) Licensed Door-staff shall be deployed patrolling the internal licensable area until the termination of all licensable activities

The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.

2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and

conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

3. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

4. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)

5 All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

6. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. The training shall include:

- Drugs Awareness
- Conflict resolution
- Selling to under age person
- Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an

'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

7.. No admission for new customers will be allowed to the premises after midnight.

8. Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.

9. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers except for consumption in any external area provided for that purpose.

10. No external areas shall be used for the consumption of alcohol after midnight. Provided external areas will only be used for smoking after this time.

11. No person under the age of 18 shall be permitted on the premises unless and accompanied by an adult aged 18 or over.

12. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

13. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

14. No person under the age of 18 years shall be permitted to be on the premises after 2200hrs other than a member of staff employed at the premises or a child of the premises licence holder or DPS

15. No person under the age of 18 shall be permitted on the premises during the time that any drinks promotion is in place.

16. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

17. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made

by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

18. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

Additionally the applicant has indicated that they require **extend hours for the 'Summer Ball' on a non specific date** in August each year. West Mercia Police are of the view that non-standard timings related to known fixed events such as the bank holidays applied for in this application as opposed to events identified on an ad hoc basis by the operators of the premise. Provision has been made in the act to cover such ad hoc events by way of temporary event notices and there is no legal basis for the applicant to hold such ad hoc days on the giving of written notice to the police.

There are other issues that are addressed by the applicant concerning noise management that whilst mentioned briefly in the police representations are best addressed by the appropriate responsible authority.

These are the minimum conditions West Mercia Police would wish to see any premises licence granted to this location.

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
licensing.herefordshire@westmercia.pnn.police.uk

Internet e-mail is not to be treated as a secure means of communication.

West Mercia Police monitors all e-mail activity and content.

This communication is confidential and intended for the addressee(s) only.

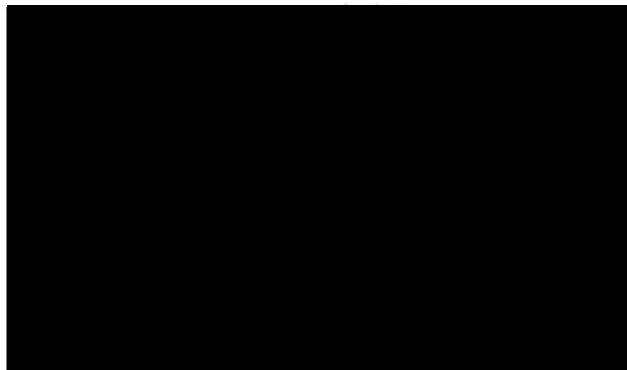
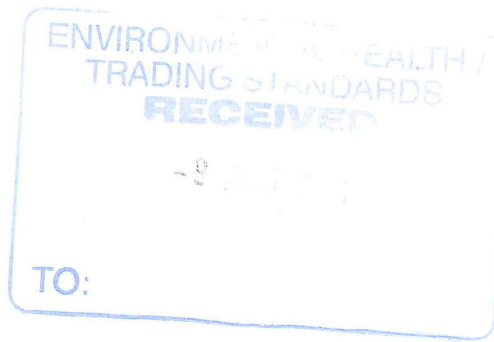
Please notify the sender if received in error.

Unauthorised use or disclosure of the content may be unlawful.

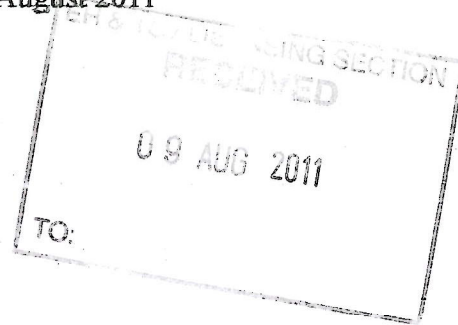
Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000



08 August 2011



County Offices
Licensing Department
P O Box 233
BATH STREET
Hereford
HR1 2ZF

Dear Sir/Madam

Application Bromyard Rugby Club- Licensing Hours

With reference to the above application. We are writing to strongly object to the time table of licensing hours applied for.

Our home is within close proximity of this club house and we already experience the noise pollution when the club hold their functions. The noise can be heard inside our home effecting our ability to sleep at a reasonable hour. We have contacted the police and they have informed us that this is an environmental issue and not a police matter. We could not contact any environmental officer until a Monday morning at 9.00 this is an unsatisfactory situation.

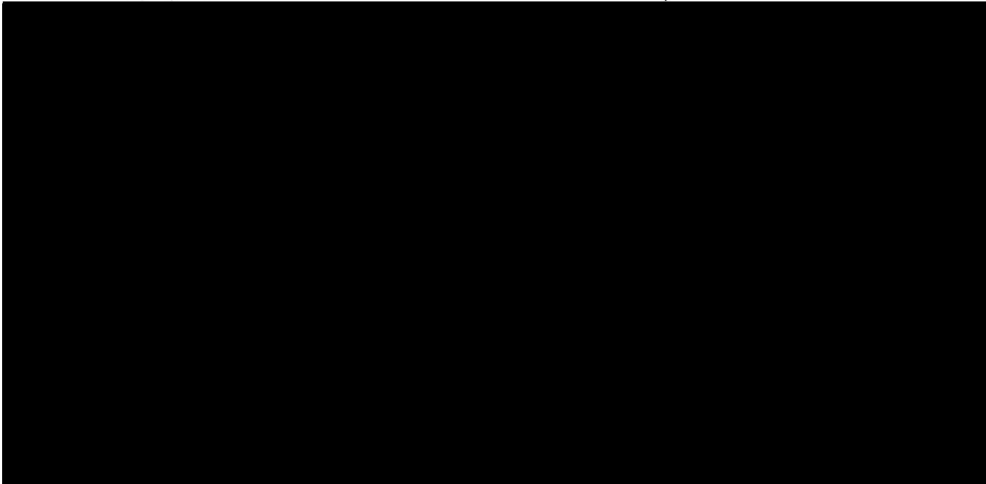
Due to the position of the club house being next to the river, in a green belt area where sound travels.

There is no lighting or public footpath outside on the public highway.

There is proposed outline planning for 127 dwellings adjacent to this club house.

The club was established to promote rugby for the local area and its members and not as was assumed to be promoting these facilities as an entertainment and social venue. The club was created for the youth and schools of this area.

In Bromyard there are already adequate function rooms who could provide social events.



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 SEPTEMBER 2011
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'THE PRINCE OF WALES, CHURCH LANE, LEDBURY HR8 1DL – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for the variation of a premises licence in respect of 'The Prince of Wales, Church Lane, Ledbury HR8 1DL'.

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

- **Ten (10)** representation from members of the public
- **Three (3)** representations from Responsible Authorities (Police, Trading Standards & Environmental Protection)

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

Options

- 1 a) to modify the conditions of the licence;
- (b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Leslie John Smith Pebble Walk Ltd, The Prince of Wales, Church Lane, Ledbury HR8 1DL	
Agent	Gemma Goodwin Licensing Matters Ltd, Time Technology Park, Blackburn Road, Simonstone, Burnley BB12 7TW	
Solicitor	N/K	
Type of application: Variation Application	Date received: 01/08/2011	28 Days consultation 29.08.2011

Licence Application

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

History of Premises Licence

- a. **2005** - The premises licence was converted from a Justices Licence (on the introduction of the Licensing Act 2003) for the following licensable activities:-

Provision of regulated entertainment

1. A performance of live music (Indoors)
2. Playing of recorded music (Indoors)
3. A performance of dance (Indoors)

Provision of entertainment facilities

4. Making music (Indoors)
5. Dancing (Indoors)

Provision of refreshment or alcohol

6. Late Night Refreshment
7. Sale by retail of alcohol (For consumption both on and off the premises)

Further details:

(A performance of live music) Live bands may perform on occasion.

(A performance of dance) Performance of dancers may take place on certain entertainment nights.

(Dancing) Dancing may occur throughout the bar and lounge customer areas on evenings when entertainment is provided.

Description of facilities provided (Making music) Live bands, karaoke and DJ unit will be used when hired.

The licence was issued subject to conditions consistent with the operating schedule accompanying the application and the existing Public Entertainment Licence Conditions.

- b. **November 2007** - Application to vary the premises licence to change the Designated Premises Supervisor to Leslie John Smith – licence issued.
- c. **18 February 2011** – failed test purchase. Two (2) 16 year old females were served alcohol without being challenged concerning their age.
- d. **17 Mar 2011** – Application, by Herefordshire Council Trading Standards, to review the premises licence relating to The Prevention of Crime and Disorder and Protection of Children from Harm following failed test purchase. Need for hearing dispensed with following submission of minor variation to amend licence conditions
- e. **10 May 2011** – Application for minor variation received to amend licence conditions.
- f. **24 May 2011** – Current licence issued (see appendix a)

Summary of Application

- 5 This application requests:

The removal of all conditions on the licence (apart from mandatory) & replace with new conditions consistent with the operating schedule accompanying the application (see appendix b).

Summary of Representations

- 6 A copy of the representations can be found within the background papers.
- 7 Representations have been made by:
Ten (10) members of the public
Three (3) from Responsible Authorities (Police, Trading Standards & Environmental Protection) – representations not accepted.

Key Considerations

- 8 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.

Community Impact

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

Legal Implications

- 10 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.
- 11 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.
- In this case it was summed up that: -
- 12 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.
- 13 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.
- 14 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'.
In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

15 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).

16 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

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

18 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.

19 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.

20 The applicant has produced a copy of the advertisement which is correct.

Appendices

- 21
- a. Current Licence
 - b. Application Form
 - c. Public Representation
 - d. Police Representation
 - e. Trading Standards Representation
 - f. Environmental Protection 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.

- 10.4 Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

IMPOSED CONDITIONS

- 10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.



Herefordshire Council
Application to vary a premises licence
Licensing Act 2003

EH & TS 7 LICENSING SECTION
 RECEIVED
 01 AUG 2011
 TO:

For help contact
 info@herefordshire.gov.uk
 Telephone: 00432 261761

29/08

* required information

Section 1 of 20

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

Section 2 of 20

APPLICATION DETAILS

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Section 3 of 20

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Describe briefly the nature of the proposed variation

REMOVE ALL CONDITIONS ON THE LICENCE (APART FROM MANDORATORY) & REPLACE WITH NEW CONDITIONS.

Section 4 of 20

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?
 Yes No

Section 5 of 20

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?
 Yes No

Section 6 of 20

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
 Yes No

Section 7 of 20

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
 Yes No

Section 8 of 20

PROVISION OF LIVE MUSIC

Continued from previous page...

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 20

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 20

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if application to vary is successful?

Yes No

Section 11 of 20

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 20

PROVISION OF FACILITIES FOR MAKING MUSIC

Will the schedule to provide facilities for making music be subject to change if application to vary is successful?

Yes No

Section 13 of 20

PROVISION OF FACILITIES FOR DANCING

Will the schedule to provide facilities for dancing be subject to change if this application to vary is successful?

Yes No

Section 14 of 20

PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING

Will the schedule to provide facilities similar in nature to those provided for making music or dancing be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Section 15 of 20

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 16 of 20

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 17 of 20

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

Section 18 of 20

HOURS PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

FRIDAY

Start 10:00

End 01:30

Start

End

SATURDAY

Start 10:00

End 01:30

Start

End

SUNDAY

Start 10:00

End 01:30

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING

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

ALL CONDITIONS

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

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

Section 19 of 20

LICENSING OBJECTIVES

Continued from previous page...

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

b) The prevention of crime and disorder

- 1) THE PREMISES HAS COMPREHENSIVE CCTV. THE SYSTEM RECORDS & THE DATA WILL BE MADE AVAILABLE TO THE AUTHORITIES UPON REQUEST.
- 2) WHENEVER THE DPS IS NOT ON THE PREMISES, ANOTHER RESPONSIBLE PERSON WILL BE NOMINATED TO MANAGE THE PREMISES.
- 3) A REFUSALS & INCIDENTS REGISTER WILL BE KEPT & MANTAINED AT THE PREMISES & WILL BE MADE AVAILABLE TO THE AUTHORITIES UPON REQUEST.

c) Public safety

- 1) The licence holder is aware of their responsibilities under the Regularity Reform (Fire Safety Order) Act 2005.

d) The prevention of public nuisance

We have spent time discussing this condition & we do not feel there are any concerns regarding the public nuisance objective.

e) The protection of children from harm

- 1) THE PREMISES WIL OPERATE A CHALLENGE 25 POLICY. WHENEVER SOMEBODY APPEARS TO BE UNDER THE AGE OF 25, THEY WILL BE CHALLENGED TO PROVE THEY ARE OVER THE AGE OF 18.
- 2) THE PREMISES WILL DISPLAY PROMINENT, CLEAR & LEGIBLE SIGNAGE WITH RESPECTS TO THE CHALLENGE 25 POLICY IN PLACE (IN NO LESS THAN 32 FONT BOLD). THE SIGNS WILL BE DISPLAYED NEAR TO THE ENTRANCE & BEHIND THE BAR.
- 3) THE ONLY TYPES OF ID TO BE ACCEPTED ARE VALID PHOTOCARD DRIVING LICENCE, PASSPORT, & PASS APPROVED CARDS.
- 4) ALL NEW STAFF WILL BE TRAINED USING THE INTERNAL DUE DILIGENCE PACK BEFORE MAKING SALES OF ALCOHOL. THE TRAINING WILL BE DOCUMENTED & MADE AVAILABLE TO THE AUTHORITIES UPON REQUEST. ALL STAFF WILL COMPLETE DOCUMENTED REFRESHER TRAINING EVERY 3 MONTHS.

Section 20 of 20

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Continued from previous page...

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

Copy of premises licence electronic

DECLARATION

Continued from previous page...

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Digital signature

You can digitally sign the form if you wish, this will be verified and passed to the authority.

When you are satisfied that you have completed the form correctly, save it and continue with the application process. If the online application screen is no longer available in your browser, [click here](#) to resume.

OFFICE USE ONLY

Applicant reference number	93/11
Fee paid	190.00
Payment provider reference	
ELMS Payment Reference	
Payment status	Paid
Payment authorisation code	
Payment authorisation date	Aug 1, 2011
Date and time submitted	Aug 1, 2011 12:57:24 PM
Approval deadline	Sep 9, 2011
Error message	
Is Digitally signed	<input checked="" type="checkbox"/>

Digital Signature Information

Signer's name	Gemma Goodwin
Signer's contact information	
Signing time	2011-06-10T09:12:11
Signer status	Identity Unknown - Identity Verification of the
Signature status	Signature Valid but document modified - The
Certificate issuer	C=GB,1.2.840.113549.1.9.1=#162267656d6d6

**LICENSING ACT 2003
Part A - Premises Licence**

Premises licence number - PR00404 (App to Vary Premises Licence)

Part 1 - Premises details

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

**PRINCE OF WALES
Church Lane
Ledbury
HR8 1DL**

Telephone number: **01531 632250**

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

- 1. A performance of live music (Indoors)**
- 2. Playing of recorded music (Indoors)**
- 3. A performance of dance (Indoors)**

Provision of entertainment facilities

- 4. Making music (Indoors)**
- 5. Dancing (Indoors)**

Provision of refreshment or alcohol

- 6. Late Night Refreshment**
- 7. Sale by retail of alcohol (For consumption both on and off the premises)**

Further details:

(A performance of live music) Live bands may perform on occasion.

(A performance of dance) Performance of dancers may take place on certain entertainment nights.

(Dancing) Dancing may occur throughout the bar and lounge customer areas on evenings when entertainment is provided.

Description of facilities provided

(Making music) Live bands, karaoke and DJ unit will be used when hired.

The times the licence authorises the carrying out of licensable activities

A performance of live music; Playing of recorded music; A performance of dance; Making music; Dancing ; Sale by retail of alcohol

Monday-Sunday: 10:00 - 01:00

Late Night Refreshment

Monday-Sunday: 23:00 - 01:00

Non standard timings:

A performance of live music; Playing of recorded music; A performance of dance; Making music; Dancing; Late Night Refreshment; Sale by retail of alcohol

New Years Eve - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Seasonal variations: None

The opening hours of the premises

Monday-Sunday: 10:00 - 01:30

Non standard timings:

New Years Eve - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Seasonal variations: None

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Alcohol-On and Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Pebble Walk Limited
Prince Of Wales
Church Lane
Ledbury
Herefordshire
HR8 1DL**

01531 632250

Registered number of holder, for example company number, charity number (where applicable)

4789513

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr LESLIE JOHN SMITH
Church Lane, Ledbury
Herefordshire
HR8 1DL**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: 128
Issuing authority: Herefordshire Council**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Additional mandatory conditions:

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

Age verification

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Smaller measures

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions/objectives

PEL Conditions

The maximum number of persons admitted to the premises shall be: 180

The minimum number of visually identifiable stewards shall be: 3

General

1.1 In undertaking any or all of the conditions, the licensee(s) shall comply with all reasonable requests of the Police, the Fire Authority and the Licensing Authority's Officers.

1.2 The licensee(s) shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.

1.3 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose (who must not be a person under the age of 18) shall be present at the premises during the whole time that they are open to the public.

1.4 Such written nomination shall be available for inspection by the Licensing Authority's Officers at all times .

1.5 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall not be engaged on any duties that will prevent him/her from exercising general supervision.

Stewards and Door Supervisors

2.1 The number of stewards or door supervisors shall be specified by the Licensing Authority in the Schedule to the Licence relating to the premises.

2.2 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, must ensure that the required number of stewards or door supervisors is present on the premises for the duration of the event and that they are clearly identifiable.

2.3 Where the Licensee(s) determines that the number of persons attending the premises for a particular event is less than the permitted maximum number, he/she/they may reduce the number of stewards or door supervisors that must be in attendance. When considering such reductions they shall calculate the number of stewards/door supervisors by using the following method:

For every 250 persons attending the event (or part of 250) there must be one steward/door supervisor.

In addition, where there are less than 100 persons on a floor or tier, one steward/door supervisor per floor.

Where the number exceeds 100, two stewards/door supervisor per floor .

2.4 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall maintain a register of stewards or door supervisors kept on the premises showing the names and addresses of the stewards/door supervisors, and shall be signed by the stewards/door supervisors before the event commences.

2.5 The register is to be made available for inspection by Officers of the Fire Authority, Police or Licensing Authority.

2.6 The Licensee(s) shall inform the Licensing Authority if it is to use stewards as door supervisors (i.e. to decide upon the suitability of customers to be allowed onto those premises, and/or to maintain order, in addition to safety related functions). The Licensing Act 2003 requires

that door supervisors must be licensed by the Security Industry Authority. For further details contact the Licensing Officer.

Dates and hours of opening

3.1 Premises licensed shall only be opened and used for any of the said purposes on such days or dates and during such hours as the premises licence permits.

Numbers of persons

4.1 The maximum number of persons permitted to use the premises, or any part of the premises, for any of the said purposes, shall be specified by the Licensing Authority in the premises licence relating to the premises.

4.2 The licensee(s) must ensure that the number of patrons attending on the premises does not exceed the permitted maximum number of persons as specified in the premise licence.

4.3 The premises shall not be used for a closely seated audience except in accordance with plans submitted by the Licensee(s) and approved by the Licensing Authority.

Powers of entry

5.1 Representatives of the Fire Authority and Police and authorised officers of the Licensing Authority shall be allowed at all times to enter the Licensed premises in order for them to execute their duties and in particular ensuring compliance with the these and any other relevant conditions.

Right to Modify

6.1 The Licensing Authority reserves the rights, from time to time, to exclude, modify, vary, or add to any of these conditions.

Special Conditions

7.1 The Licensing Authority may impose such special conditions, as it thinks fit, on the grant, renewal or variation of any Licence. Such special conditions will, if imposed, be contained within an annex attached to the licence.

Hypnotism

8.1 The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism without the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent. The special conditions relating to the regulation of exhibitions, demonstrations or performances of hypnotism are available on request.

Noise from Entertainment

9.1 The Licensee(s) shall have regard to the effects of sound levels from any amplified sound systems used in connection with an event(s) and shall take all reasonable steps to minimise the chances of complaints arising .

Conduct at Premises

10.1 Public order shall be maintained on the premises during the entertainment and the behaviour of any patrons attending functions must not be permitted to present a danger or threat to order.

10.2 The licensee(s) must, as far as is reasonably possible, ensure that patrons leaving the premises do so in an orderly manner and that they do not cause annoyance/disturbance to

occupiers of premises in the vicinity which is likely to give rise to complaint.

10.3 No disorderly conduct shall be permitted at the Licensed premises, or any exhibition, recitation, acting, singing or dancing which is of an obscene character or is offensive.

10.4 No unlawful lottery or game shall be permitted at the licensed premises.

Maintenance, Repair and Cleanliness

11.1 All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

11.2 A suitable number of waste bins with close fitting lids shall be provided for housing any waste generated at the premises.

11.3 No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises.

11.4 The licensee(s) must be able to demonstrate at all times compliance with the appropriate safety standards and shall at the request of the Licensing Authority produce for inspection, certificates issued by a suitably qualified person for matters that might include stage safety, lifts, balconies, projection equipment, ceilings, heating and ventilation.

Alterations

12.1 Any alterations or additions to the premises whether permanent or temporary, shall be notified to the Licensing Authority prior to the premises being used. Depending upon the circumstances, it may be necessary to make an application for a variation of Premises Licence or a Temporary Events Notice where, for example, a marquee is to be erected or an increase in the number of patrons is sought for a one-off event.

12.2 In the event of emergency repairs being carried out, the Licensing Authority shall be notified immediately. This includes any work on heating, lighting or cooking equipment.

Washing and Sanitary Facilities

13.1 Adequate and separate washing and sanitary conveniences shall be provided and maintained for persons of each sex to the satisfaction of the Licensing Authority and shall comply with BS6565:1994 or such other standards as the Licensing Authority may determine in writing .

Electrical Installations

14.1 All electric fittings, wiring, and appliances shall be constructed and maintained in a safe condition and to the satisfaction of the Licensing Authority. Any temporary wiring or telecommunications must be safely installed and securely fixed and not present a tripping hazard.

14.2 Unless a determination has been made by an approved electrical contractor and agreed by the Licensing Authority, to the contrary, a periodic inspection of the electrical systems serving the premises shall be carried out by an approved electrical contractor (with reference to and undertaken in accordance with British Standard 7671:1992, and its amendments), at least annually.

14.3 The results and extent of a Periodic Inspection and Testing on an installation, or any part thereof, in accordance with Chapter 73 of BS7671:1992, shall be recorded on a report by the person carrying out the inspection, and the report shall be provided to the Licensing Authority using the form prescribed by them (reference PEL/PIR1).

14.4 Any matters regarded as requiring action in order to satisfy British Standard 7671:1992, shall be carried out within a timescale given in writing by the contractor.

Residual Circuit Devices

15.1 All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.

15.2 The residual circuit device shall be tested on a regular basis in accordance with the manufacturers instructions.

Lighting

16.1 Lighting levels inside and, where appropriate, outside the premises, shall be adequately lit during the whole time the premises are being used for any of the said purposes, so as to enable the public to access, egress and move about the premises safely. Subdued levels of lighting shall be permitted only where safety is not compromised and only whilst the entertainment is in progress.

16.2 All parts of the premises especially all passages, courts, corridors and stairways to which the public have access and which lead to the outside of the premises must, in the absence of adequate daylight, be illuminated by the general lighting when the public are present. The general lighting shall be provided by electricity.

16.3 If there is a failure of the general lighting and is not restored within thirty minutes, so that the public cannot access, egress and move about the premises safely, the event shall be terminated and the public evacuated from the premises at the end of that period.

First Aid

17.1 Suitable first aid equipment shall be provided and maintained in an accessible position on the premises.

Accidents

18.1 Any injury to any person whilst at the licensed premises, which results in hospital treatment becoming necessary, shall be reported to the Licensing Authority within 24 hours of the injury occurring with details confirmed in writing within a further seven days .

Compliance with the Fire Authoritys Requirements and Recommendations

19.1 The licensee(s) is responsible at all times for ensuring the safety of public in attendance in the event of fire or other such emergency.

19.2 The licensee(s) shall, unless agreed otherwise in writing with the Licensing Authority, implement in full the requirements and recommendations (if any) of the Fire Authority as detailed in its inspection report before any public entertainment is held within the premises to which the licence relates and shall thereafter promptly implement any further recommendations of the Fire Authority from time to time.

19.3 The Licensee(s) shall comply with any reasonable fire prevention and safety measures that may be required of him/her/them by the Fire Authority or Licensing Authority.

Means of Escape

20.1 Adequate means of escape shall be provided and maintained to the satisfaction of the Licensing Authority and Fire Authority.

Reporting of Fires

21.1 A written fire and emergency evacuation procedure shall be established and maintained to the satisfaction of the Licensing Authority and Fire Authority.

21.2 Any outbreaks of fire, however slight, whilst the premises are open for public entertainment, must be reported immediately to the Fire Service by dialling 999.

21.3 A notice giving instructions on how to call the Fire Service and indicating the nearest

available public telephones shall be prominently displayed in the premises.

Fire Procedure

22.1 The Licensee(s) (or nominated representative) shall supervise the escape of persons in the event of fire or other such emergency.

22.2 The Licensee(s) (or nominated representative) will arrange for the fire procedure to be practised by all staff and other attendants at least twice each calendar year and upon employment of new staff.

Log Book

23.1 The licensee(s) shall keep a Log Book, and produce for inspection at the request of an authorised officer of the Police, Licensing Authority, or Fire Authority.

23.2 The Log Book shall record the date, time and result of each of the following tests or inspections and be signed by the person responsible:-

- a. inspections by authorised officers of the Licensing Authority, the Fire Authority and the Police;
- b. Fire equipment tests;
- c. Emergency lighting tests;
- d. Fire alarm tests;
- e. Staff fire prevention and emergency procedure training;
- f. Dates and times of practices of the fire procedures and details of the persons taking part.

Access for Fire Appliances

24.1 The licensee(s) (or nominated person) should be able to satisfy the Licensing Authority and Fire Authority, when required, that external access can be effectively provided for Fire Authority appliances. The licensee(s) (or nominated person) must ensure that vehicles do not obstruct such access.

Fire fighting equipment

25.1 Suitable and sufficient fire fighting equipment shall be maintained to the satisfaction of the Licensing Authority, shall be provided in the premises, located in suitable positions, available for instant use and have been serviced within the last twelve months.

Exit Routes and Exit Route Notices

26.1 All exits and exit routes shall be clearly indicated by graphic symbols complying with British Standard 5499:1990 Part I. All such notices and routes shall be subject to the approval of the Licensing Authority and Fire Authority and shall be adequately illuminated and linked to an emergency lighting system.

Exit Doors

27.1 The number, size and position of exit doors, gangways and passageways shall be to the satisfaction of the Licensing Authority and the Fire Authority.

27.2 All exit doors and all passageways, gangways, steps and stairways affording access thereto shall be properly maintained and shall be kept entirely free from obstruction and combustible storage at all times in order to allow safe egress from the building.

27.3 Before the public are admitted to any entertainment, the licensee(s) (or nominated person) shall ensure that all exits are unlocked, available for use and that:-

27.4 All exit doors that do not open in the direction of exit e.g. sliding doors, gates and shutters, must be secured in the open position where necessary and suitably signed;

27.5 All removable fastenings, if any, have been removed from other exit doors, gates and

shutters and placed in a secure place;

27.6 All panic bolts, if any, have been tested and are in good working order;

27.7 Automatic bolts shall be of such a pattern that horizontal pressure on the cross-bars will open the doors. The cross-bars shall, where practicable, be placed at a height one metre from the bottom of the door. Doors fitted with automatic bolts shall have the words 'PUSH BAR TO OPEN' painted upon them in block letters at least 100mm high.

Furniture and Fittings

28.1 Fire resisting doors, walls and associated self-closing devices, ceilings and floors shall be kept in a satisfactory state of repair.

28.2 The licensee(s) shall comply with any reasonable requirement of the Fire Authority with regard to the provision and maintenance of surface finishings on walls, ceilings and partitions, floor coverings and upholstered furniture within the premises and shall allow the Fire Authority to test any furniture, equipment, fittings and similar items, if requested.

28.3 Curtains covering exit doors or across gangways shall be made to part in the centre and shall not obstruct exit signs, emergency lights and manual call points. They shall hang so as to be readily drawn aside and should be at least 100mm above floor level.

28.4 Curtains, safety curtains, hangings, decorations and fabrics shall be inherently flame retardant and comply the relevant British Standards. Those not inherently retardant must be suitably treated to achieve the same standard.

Mats and Floor Coverings

29.1 Matting and other floor coverings must be secured in such a manner as not to constitute a danger.

Smoking

30.1 There shall be no smoking in any stage/backstage area except so far as may be necessary on stage in connection with a live performance.

Explosive and Flammable Substances

31.1 Lamps burning paraffin or other mineral oils shall not be used.

31.2 Any naked light shall be protected by means of an efficient glass or wire globe.

31.3 Gas cylinders, whether natural or liquefied, shall not be used unless the installation is housed externally and fixed pipework is used. Any gas taps shall be secured so far as possible against unauthorised access and flexible piping shall not be used.

31.4 No explosive or highly flammable substance shall be brought into or used on the premises other than an approved supply of mains gas or controlled LPG fuel.

Ventilation/Heating

32.1 The premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority. All equipment shall be maintained in a proper working condition and any fuel stored in a safe manner.

32.2 Stoves, open fires and heating appliances shall be effectively fixed and guarded.

33.3 Cylinders or containers of gas under pressure, other than Cellar Gases, shall not be used on the premises except with the prior consent of the Licensing Authority.

33.4 The use of portable cooking or heating appliances shall be subject to the prior consent of

the Licensing Authority.

Special Effects

34.1 The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

34.2 Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.

34.3 Any lighting or approved special effects shall be installed and maintained by a competent person.

34.4 The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

Outbreak of Fire

35.1 Notices shall be displayed detailing the action to be taken in case of fire, in the position of the nearest telephone and the method of calling the Fire Authority.

Emergency Lighting

36.1 In addition to general lighting, adequate emergency lighting must be provided to enable members of the public to see their way out of the premises without assistance from the general lighting. Such emergency lighting must be kept lit in the hall, passages and stairways during the time while the premises are open to the public, or be designed so as to illuminate these areas automatically and immediately in the event of the failure of the general lighting system. The lighting to EXIT or WAY OUT signs shall not in any circumstances be extinguished or dimmed while the public is on the premises. The emergency lighting must comply with British Standard BS 5266:1988, Part 1.

36.2 Emergency lighting and all hand lamps shall be maintained in efficient working order and shall be checked weekly. All batteries shall be maintained or changed in accordance with the manufacturers recommendations.

36.3 All switches controlling the emergency lighting shall have marked immediately below them 'Emergency Lighting Only' and be situated in a position inaccessible to unauthorised persons or protected against unauthorised operation.

36.4 No entertainment shall take place until the emergency lighting has been tested and found to be fully operative.

36.5 The licensee(s) (or nominated person) shall ensure that in the event of the failure of an emergency lighting system, members of the public are instructed to leave the premises immediately and not readmitted until the system is operable.

People with disabilities

37.1 On those occasions when people with disabilities are present on the premises the licensee(s) shall make an assessment so as to enable all people to leave the premises safely in the event of an emergency. Advice can be sought from the Fire Authority.

Gas Meter and Electrical Intake Enclosures

38.1 Any gas meter or electricity meter enclosure provided shall be used

exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not, shall be kept clear and unobstructed.

Gas Appliances

39.1 Any and all gas appliances used in the premises must be regularly and properly maintained by a competent person in accordance with the manufacturers instruction and recommendations at least annually and a record of any such maintenance be kept at the premises and be available for inspection by the Licensing Authority.

General:

1. We have carefully considered the risks and benefits associated with the extra hours and other variations applied for and do not believe that any additional measures are necessary to promote the licensing objectives.
2. We will continue to train our staff to the standards required by legislation.
3. The style and operation will not differ significantly during the extended hours. The additional hours sought will of themselves promote the licensing objectives as stated in paragraph 3.29 e.g. the Guidance, in allowing customers to emerge from the premises at a more gradual rate.
4. We will continue to observe all conditions on existing licenses for the additional hours of trading.

Prevention of Crime:

All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training offered by Herefordshire Council Trading Standards within 3 months of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence) Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

Whenever Thomas Stephen Morgan is employed as a bar person there shall be a further Personal licence Holder on duty at all times when the premises operate for the sale of alcohol for a period of 6 months from the date that this condition first appears on the licence.

An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment (where fitted)
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

1. Customers are asked to leave the premises quietly.
2. The current level of lighting outside the premises will continue for the additional hours of trading.
3. Any person who appears to be intoxicated will not be allowed entry to the premises.
4. The premises will actively participate in the local pub watch or equivalent scheme.
5. We take our obligations under existing legislation very seriously. However the nature and operation will not alter significantly during the additional hours and no further measures are considered necessary to promote this licensing objective.

Public Safety:

1. A risk assessment has been carried out on the premises.
2. The capacity figure for the premises is 100.
3. We have a maintained emergency lighting system.
4. We have an effective fire evacuation system.
5. Staff are trained on all safety issues.
6. We take our obligations under existing legislation very seriously. However the nature and operation will not alter significantly during the additional hours and no further measures are considered necessary to promote this licensing objective.

OPEN CONTAINERS

No open containers to be removed from the premises except for consumption in any external area provided for that purpose.

Prevention of Public Nuisance:

1. Bins are provided to prevent litter.
2. Customers are encouraged to leave the premises quietly.
3. The current level of lighting will continue for the additional hours of trading.
4. We take our obligations under existing legislation very seriously. However the nature and operation will not alter significantly during the additional hours and no further measures are considered necessary to promote this licensing objective.

NOISE AND VIBRATION

The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance

The licensee shall be responsible for ensuring the local area is assessed, from time to time, for noise breakout from the premises during performances.

The outside area shall not be used for the consumption of alcohol or licensable activities after 12:00 Midnight.

The licensee shall ensure that patrons are requested to leave the area quietly without causing a nuisance to local residents.

Protection of Children:

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

1. We do admit children under the age of 18.
2. Any person who appears to be under the age of 18 will be required to produce proof of age before purchasing or consuming alcohol.
3. Non-smoking area provided at lunchtimes.
4. We take our obligations under existing legislation very seriously. However the nature and operation will not alter significantly during the additional hours and no further measures are considered necessary to promote this licensing objective.

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

No adult entertainment or services or activities must take place at the premises
(Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

As attached

**LICENSING ACT 2003
Part B - Premises licence summary**

Premises licence number - PR00404 (App to Vary Premises Licence)

Premises details

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

**PRINCE OF WALES
Church Lane
Ledbury
HR8 1DL**

Telephone number: **01531 632250**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

- 1. A performance of live music (Indoors)**
- 2. Playing of recorded music (Indoors)**
- 3. A performance of dance (Indoors)**

Provision of entertainment facilities

- 4. Making music (Indoors)**
- 5. Dancing (Indoors)**

Provision of refreshment or alcohol

- 6. Late Night Refreshment**
- 7. Sale by retail of alcohol (For consumption both on and off the premises)**

Further details:

(A performance of live music) Live bands may perform on occasion.

(A performance of dance) Performance of dancers may take place on certain entertainment nights.

(Dancing) Dancing may occur throughout the bar and lounge customer areas on evenings when entertainment is provided.

Description of facilities provided

(Making music) Live bands, karaoke and DJ unit will be used when hired.

The times the licence authorises the carrying out of licensable activities

A performance of live music; Playing of recorded music; A performance of dance; Making music; Dancing ; Sale by retail of alcohol

Monday-Sunday: 10:00 - 01:00

Late Night Refreshment

Monday-Sunday: 23:00 - 01:00

Non standard timings:

A performance of live music; Playing of recorded music; A performance of dance; Making music; Dancing; Late Night Refreshment; Sale by retail of alcohol

New Years Eve - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Seasonal variations: None

The opening hours of the premises

Monday-Sunday: 10:00 - 01:30

Non standard timings:

New Years Eve - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Seasonal variations: None

Name, (registered) address of holder of premises licence

**Pebble Walk Limited
Prince Of Wales
Church Lane
Ledbury
Herefordshire
HR8 1DL**

01531 632250

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol-On and Off the premises

Registered number of holder, for example company number, charity number (where applicable)

4789513

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr LESLIE JOHN SMITH

State whether access to the premises by children is restricted or prohibited

Restricted

Licensing Objectives:

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

1. We do admit children under the age of 18.
2. Any person who appears to be under the age of 18 will be required to produce proof of age before purchasing or consuming alcohol.
3. Non-smoking area provided at lunchtimes.
4. We take our obligations under existing legislation very seriously. However the nature and operation will not alter significantly during the additional hours and no further measures are considered necessary to promote this licensing objective.

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

No adult entertainment or services or activities must take place at the premises

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 12 August 2011 16:53
To: Licensing
Cc: Spriggs, Fred
Subject: Prince of Wales, Church Lane, Ledbury - application to vary premises licence conditions

PROTECT - DESCRIPTOR

West Mercia Police are in receipt of an application to vary the premises licence for the **Prince of Wales Public House**, Church Lane Ledbury.

There are no objections to this application, however West Mercia Police would seek the following conditions applied to the licence which are necessary, proportionate, achievable and enforceable.

In February 2011, the premises was subject to a 'test purchasing operation' which resulted in a sale of alcohol being made to a person under the age of 18. West Mercia Police are of a mind that a specific condition is required to address the particular member of staff involved in this sale in order to prevent further incidents occurring. This particular condition is agreed by the applicant as a result of a previous minor variation as a result of the test purchasing operation.

1. The premises shall be an active member of the any Pub Watch Scheme where such scheme or similar exists.
2. All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training offered by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence) Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. Whenever Thomas Stephen Morgan is employed as a bar person there shall be a further Personal licence Holder on duty at all times when the premises operate for the sale of alcohol until 23.11.11.
4. An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment (where fitted)
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

5. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

6. The Premises Licence Holder or DPS shall employ SIA registered door staff/supervisors on a risk assessed basis. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff. The need and reasons NOT to employ SIA staff shall be documented in the incident book

7. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorise person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA

8. No open containers shall be removed from the premises other than to an external area which forms part of the premises as shown on the plan which forms part of the licence.

9. 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.

10. Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least once an hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

11. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

12. Any outside area of the premises known as the Prince of Wales shall not be used Midnight.

13. No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS

14. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification

15. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

16. No adult entertainment or services or activities of a sexual nature must take place at the premises (adult entertainment includes but is not restricted to, such entertainment or services which you would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

There are a number of other issues that will require conditions applied to the premises licence, these are best addressed by the relevant responsible authority

These are the minimum conditions West Mercia Police would seek to any premises licence variation granted to this location.

Regards.

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmercia.pnn.police.uk

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Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000

MEMORANDUM

To : LICENSING OFFICER

From : R Corfield

Tel : 01432 261666

Date : 17/08/2011

My Ref :

Your Ref :

LICENSING ACT 2003

APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>In view of the proximity of occupied dwellings, I recommend the following conditions:</p> <p>Prevention of Public Nuisance: 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep between 11:00 pm and 10:00 am, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.</p> <p>Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.</p> <p>The outside area shall not be used between 11:30 pm and 10:00 am for any licensable activity.</p>	
PROTECTION OF CHILDREN FROM HARM	

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

MEMORANDUM

To : LICENSING OFFICER

From : David Hough

Tel : 01432 260011

Date : 23rd August 2011

My Ref :

Your Ref : ADP/PR00404

LICENSING ACT 2003

APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE	
<p>PROTECTION OF CHILDREN FROM HARM</p> <p>On 18th February 2011 a member of staff sold alcohol to a 16 year old girl. No training had been given to the seller by the owner, They did not operate a challenge 25 policy They did not use or have a refusals register.</p> <p>A Premise Licence review was instigated as per Herefordshire Councils Licensing Policy. Prior to the Review the Premise Licence holder submitted a minor licence variation to address the issues rather than going to review.</p> <p>This new licence variation seeks to remove or change the conditions in the current premise licence which we cannot agree to. We do accept the condition number 3 regarding types of ID accepted.</p> <p>Trading Standards would accept the following conditions</p> <ol style="list-style-type: none">1. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training recognised and agreed with Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the	

Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand. Refresher training to be every 3 months.

This is similar to condition 4 on the application with added information regarding agreement with TS and production of documents

2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

This is similar to condition 3 on the Prevention of crime and disorder section of the application with added information regarding retention and production of documents

3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

This is similar to condition 2&3 on the application with added information regarding production of documents

4. Whenever Thomas Stephen Morgan is employed as a bar person there shall be a further Personal Licence Holder on duty at all times when the premises operate for the sale of alcohol

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

HEREFORDSHIRE COUNCIL LICENSING POLICY

OFFICER	David Hough
POSITION	Principal Trading Standards Officer
AUTHORITY	Herefordshire Council Trading Standards

Working in partnership for the people of Herefordshire

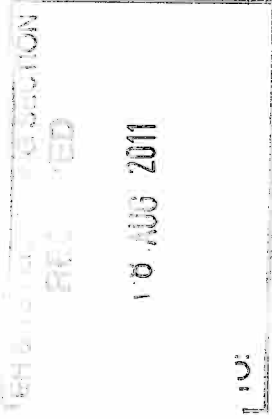
PO Box 233, Hereford. HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire

Main Switchboard (01432) 344344, www.herefordshire.nhs.uk



12 August 2011

Dear Sir,

Re: The Prince of Wales Public House, Church Lane, Ledbury

I understand you are considering matters relating to the licence of the Prince of Wales. I live within 100 yards of the premises and trust that my comments will be relevant and helpful.

For many years a group of local people have met regularly in the pub on Wednesday evenings. They have played what I regard as folk music. The level of sound has not been a problem. Recently music has been introduced on Sunday afternoons. The sound level is absurdly high. It can be heard clearly as far as the churchyard of the parish church. Not only is this unnecessary, it is extremely disturbing for neighbours. Recently the Mayor of Ledbury held a Civic Service at the Church. It must have been embarrassing for him to lead dignitaries down the lane where conversation would have been drowned by the noise.

More recently I passed on a Thursday evening when a similar, impossibly loud sound of music filled the lane.

I trust that during your consideration you will bear in mind the adverse impact this has on both residents of Church Lane and the importance of the area as a major tourist attraction for the town. Out of courtesy I have mentioned to the landlord my intention to write to you as we value the presence of the Prince of Wales in the lane.

Neighbours have joined me in signing this letter.

Yours faithfully

The Licensing Authority
Herefordshire Council
Council Offices, P.O. Box 2
Bath Street
Hereford HR4 2ZF



15 August 2011

Licensing Authority
Herefordshire Council
Council Offices
PO Box 233
Bath Street
Hereford HR4 2ZF

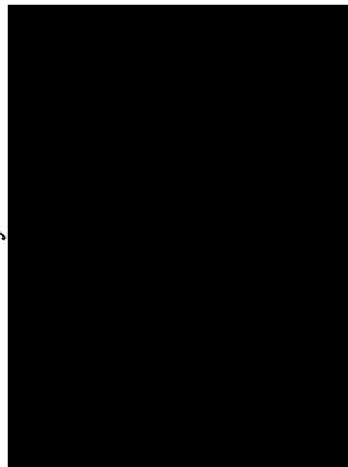
Dear Sirs

Prince of Wales, Church Lane, Ledbury

This is to reinforce two points made by [redacted] in his letter to you (which we have also signed):

- (i) We have no problem in principle with music being played in the pub, but that played typically on Sunday afternoons and Thursday evenings is too loud by some way. It may be that that kind of music is normally amplified, but it surely need not be.
- (ii) Secondly, in every other respect, we value the pub.

Yours sincerely



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

	Local resident,
--	-----------------

Name & Address of premises you are making a representation about:
Prince of Wales, Church Lane, Ledbury, Herefordshire, HR8 1DL

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

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

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance
We believe that on occasions the sound level and reverberation of amplified live music emanating from the Prince of Wales is so loud as to be inappropriate and anti-social, given the location of the pub in a very picturesque, narrow street opposite several private houses and the Burgage Hall, and next to the Heritage Centre. For years, the Prince of Wales has had a 'country & folk' live-music evening on Wednesdays, invariably at acceptable, unamplified sound levels. Recently we have become aware of additional live music sessions on Thursday evenings and Sunday afternoons, which often involve acoustic guitars and drum kits producing a much heavier level of sound, which obtrusively penetrates the street and nearby buildings, even with pub door and windows shut. Apart from the difficulty we sometimes now have of going to sleep on a Thursday evening until after 11.30pm, the noise has also forced us to get away from Church Lane on a Sunday afternoon. Considerable disruption was made to a Ledbury Poetry Festival event in Burgage Hall, Sunday 3 rd July, while at the same time a phenomenal level of sound and vibration penetrated the adjacent Heritage Centre, both upstairs (where Festival performers and organisers were gathered) and downstairs (where tourists were viewing

the exhibition there).

We have on a couple of occasions mentioned our concerns to the landlord, Mr Les Smith and his son Russell and we understand at least one of our neighbours has as well. We do not wish to kick up a big fuss, but we do not feel our complaints were treated wholly seriously, apart from a suggestion they could monitor the decibels externally with a noise meter. Therefore, following a further particularly noisy session last Sunday 14 August, we decided to make representations to the licensing authority. We informed Mr Russell Smith out of courtesy that we would be doing this.

Nearly all our neighbours find the level of music noise on a Thursday evening and a Sunday afternoon to be unacceptable and a joint letter of representation is being sent simultaneously to the Herefordshire Council's Licensing Section.

To Protect Children from Harm

Signed:

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

Date: 18 August 2011

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



Representation Form – Interested Parties
Suggested Conditions

Premise: Prince of Wales, Church Lane, Ledbury
Your name:

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

<p>To Prevent Crime and Disorder</p>	<p>Public Safety</p>	<p>Prevent Public Nuisance</p> <p>Feeling generally that we have hitherto had good relations with the Prince of Wales, we have been taken aback by the recent introduction of loud music on Thursday evenings and Sunday afternoons, believing it to be a retrograde step within the Church Lane community and its many visiting tourists. We would also query whether these additional live-music sessions attract more customers without putting off the regulars, in comparison with the traditional Wednesday evening occasions. One of our neighbours discovered, for example, that there were few customers in the pub the afternoon of Sunday 14 August, when loud music was being played.</p> <p>We note that Pebble Walk Ltd, the company owning the Prince of Wales, has made an application to Herefordshire Council under the Licensing Act 2003 for a variation to its premises licence involving the removal and/or replacement of conditions in the licence. As we were unable to learn from the notice posted outside the Prince of Wales exactly what variations were proposed, the landlord, Mr Les Smith, informed us that it amounted to a tidying-up and modernisation of the licence conditions. From a part copy of the variation application supplied to us by the Licensing Section, we can indeed see (sections 4 to 18) that no changes are generally envisaged to the scheduled provisions.</p>
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We are also pleased to see under Licensing Objectives (section 19) that a responsible approach is being made towards the prevention of crime and disorder, public safety and the protection of children from harm. However, under Objective (d), contrary to what is written in Pebble Walk's application, namely that 'We have spent time discussing this condition & we do not feel there are any concerns regarding the public nuisance objective', we would beg to differ, stating that there are most definitely concerns and we would make the following suggestions:

- that a similarly responsible approach be made regarding the prevention of public nuisance by restricting the volume of sound emanating from the premises during live music sessions, e.g., by having no amplification and by moving the performance from the front room to the back room, and
- by firmly agreeing to ensure that the music stops by 11pm.

Protect Children from Harm

Signed:

Date: 18 August 2011

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