

AGENDA

Regulatory Sub Committee

Date: **Monday 16 April 2012**

Time: **10.00 am**

Place: **The Assembly Room, Town Hall, 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

	Pages
<p>1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.</p>	
<p>2. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>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.</p>	
<p>4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. APPLICATION FOR A VARIATION OF A PREMISES LICENCE 'CROWN & ANCHOR, LUGWARDINE, HEREFORD, HR1 4AB.' To consider an application for the variation of a premises licence in respect of 'Crown & Anchor, Lugwardine, Hereford, HR1 4AB'.</p>	1 - 6
Background Papers - Crown & Anchor - Application Form	7 - 28
Background Papers - Crown & Anchor - Public Representations	29 - 66
Background Papers - Crown & Anchor - Police Representation	67 - 70
Background Papers - Crown & Anchor - Trading Standards Representation	71 - 72
Background Papers - Crown & Anchor - Environmental Health Representation	73 - 74
<p>6. APPLICATION FOR A NEW PREMISES LICENCE 'YAMZ TAPAS BAR, TURNER COURT, THE HOMEND, LEDBURY, HR8 1BP.' To consider an application for a new premises licence in respect of 'Yamz Tapas Bar, Turner Court, The Homend, Ledbury, HR8 1BP'.</p>	75 - 78
Background Papers - Yamz Tapas Bar - Application Form	79 - 102
Background Papers - Yamz Tapas Bar - Public Representation	103 - 106
Background Papers - Yamz Tapas Bar - Police Representation	107 - 110
Background Papers - Yamz Tapas Bar - Environmental Health Representation	111 - 112
<p>7. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'SOMERFIELD, DISHLEY STREET, LEOMINSTER, HR6 8PX.' To consider an application for a review of the premises licence relating to 'Somerfield, Dishley Street, Leominster, HR6 8PX' called by Herefordshire Council Trading Standards.</p>	113 - 118
Background Papers - Somerfield - Application Form	119 - 124
Background Papers - Somerfield - Police Representation	125 - 126
Background Papers - Somerfield - Trading Standards Representation	127 - 128

8. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'ETNAM NEWS, 35 ETNAM STREET, LEOMISNTER, HR6 8AE.'	129 - 134
To consider an application for a review of the premises licence relating to 'Etnam News, 35 Etnam Street, Leominster, HR6 8AE' called by Herefordshire Council Trading Standards.	
Background Papers - Etnam News - Application Form	135 - 140
Background Papers - Etnam News - Police Representation	141 - 142
Background Papers - Etnam News - Trading Standards Representation	143 - 144

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point A which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

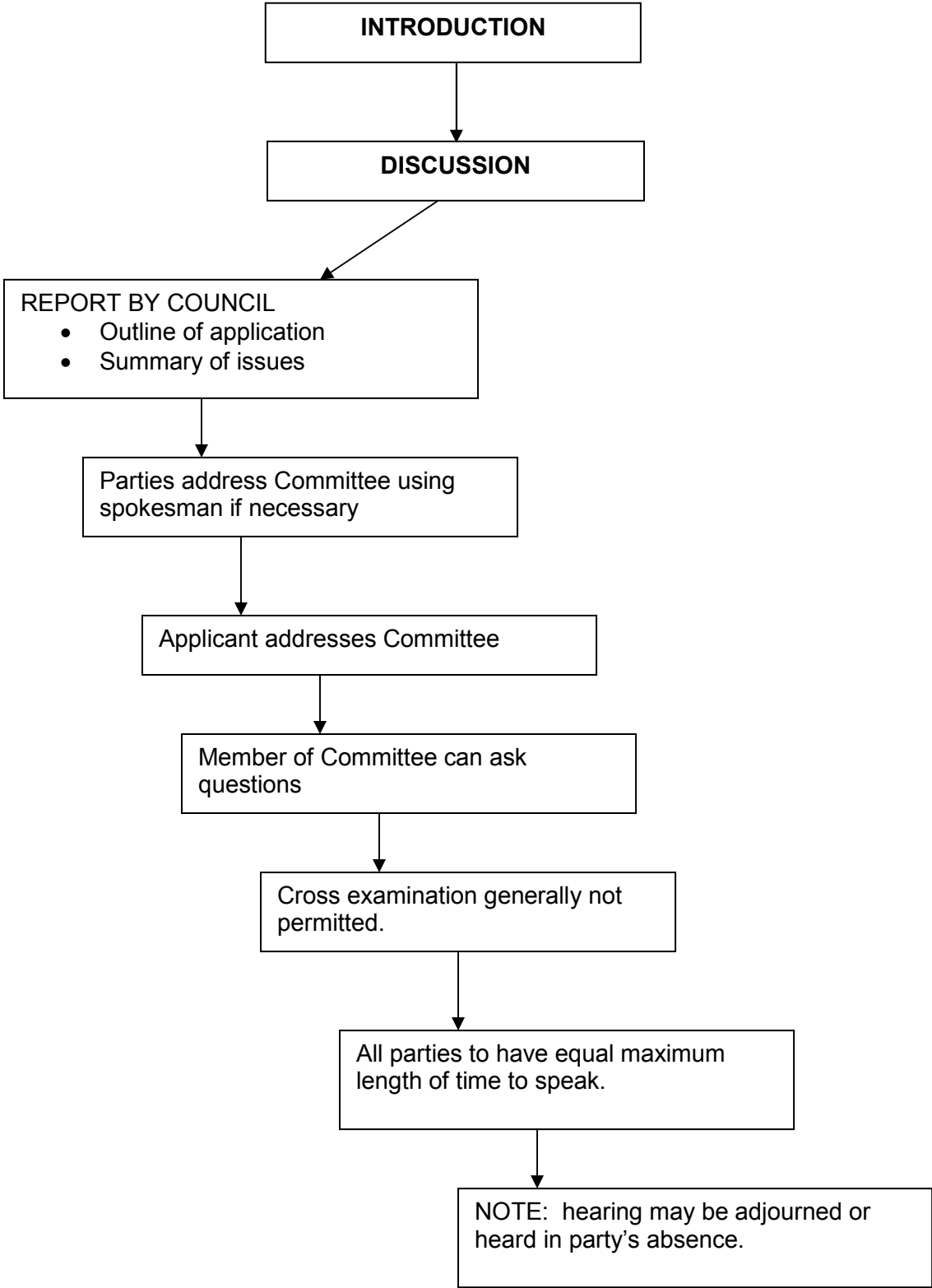
Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 APRIL 2012
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'CROWN & ANCHOR, LUGWARDINE, HEREFORD, HR1 4AB' – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING

CLASSIFICATION: Open

Wards Affected

Hagley

Purpose

To consider an application for the variation of a premises licence in respect of 'Crown & Anchor, Lugwardine, Hereford, HR1 4AB'.

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

- **Sixteen (16)** relevant representation from members of the public
- **Three (3)** representations from Responsible Authorities (Police, Trading Standards & Environmental Health)

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

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Michael Clifford Crown & Anchor, Lugwardine, Hereford, HR1 4AB.	
Representative	N/A	
Type of application: Variation	Date received: 22/02/2012	28 Days consultation 21/03/2012

Licence Application

- 4 The application for a variation of the 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; Other entertainment
Sunday-Saturday: 19:00 - 23:00

Sale by retail of alcohol
Sunday-Thursday: 11:00 - 23:00

Friday-Saturday: 11:00 - 00:00

Non Standard Timings

A performance of live music on New Years Eve live music as described above will be scheduled to start at 19:00 and end at 02:00 the following morning.

Sale of Alcohol

11:00 New Years Eve - 03:00 New Years Day

11:00-00:00 on Sundays of bank holiday weekends, Christmas Eve and Boxing Day

Seasonal variations: None

Summary of Application

6 The application requests that the premises be licensed as follows:

Live Music, Recorded Music (Both Indoors and Outdoors)

All days: 12:00 – 23:59

Late Night Refreshment (Indoors and Outdoors)

Sunday – Thursday 23:00 – 23:30

Friday & Saturday 23:00 – 01:00

Supply of Alcohol (Both on & off premises)

Sunday – Thursday 11:00 – 23:30

Friday & Saturday 11:00 – 01:00

Non Standard Timings:

Live Music

Christmas Eve 19:00 – 01:00 & New Years Eve 19:00 – 03:00

Recorded Music

Christmas Eve 09:00 – 01:00 & New Years Eve 19:00 – 06:00

Late Night Refreshment

Christmas Eve 11:00 – 23:59 & New Years Eve 16:00 – 03:00

Supply of Alcohol

Christmas Eve 11:00 – 23:59 & New Years Eve 11:00 – 03:00

Seasonal variations: None

Summary of Representations

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

8 In total 44 **members of the public made representation** to the application. Of these **16** were considered to be relevant representations with the terms of the Licensing Act 2003 and the Herefordshire Council Licensing Policy. 28 were rejected.

Three (3) from Responsible Authorities (Trading Standards, the Police and Environmental Health. **The police and trading standards conditions have been accepted**)

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 only correct in part. There is no reference made to any of the licensable activities being outdoors. In respect of Non Standard Timings it states ‘On Christmas Eve 11-00 2359 On New Years Eve 1100 – 0300.

Appendices

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

Background Papers

Background papers are available for inspection in the Assembly Hall, Town Hall, Hereford, 30 minutes before the start of the hearing.

RECEIVED ReSubmitted 22 FEB 2012	RECEIVED ReSubmitted 17 FEB 2012	RECEIVED 10 FEB 2012
TO: Application to vary a premises licence under the Licensing Act 2003		

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We MR MICHAEL CLIFFORD OBE
 (Insert name(s) of applicant)

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

Premises licence number	517
-------------------------	-----

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description CROWN + ANCTOR COTTS LANE LUGWARDINE			
Post town	HEREFORD	Post code	HR1 4AB

Telephone number at premises (if any)	01432 851303
Non-domestic rateable value of premises	£17000

Part 2 – Applicant details

Daytime contact telephone number	01432 851303		
E-mail address (optional)	mclifford.obe@btinternet.com		
Current postal address if different from premises address	AS ABOVE		
Post Town		Postcode	

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

THE CROWN TAPINNERS IS A 300 year old BLACK & WHITE COUNTRY PUB LOCATED IN THE VILLAGE OF LUQUARDINES. THE PUB IS A TWO STOREY BUILDING; THE GROUND LEVEL UTILISED FOR SERVING FOOD & BEVERAGES AND LIVING ACCOMMODATION ON THE 1ST FLOOR. THE PUB HAS THE CAPACITY TO SEAT UPTO 50 DINERS OR 70 STANDING DRINKERS AT ANY ONE TIME.

CURRENTLY ONLY THE GROUND FLOOR AND FRONT BEER GARDEN ARE LICENCED FOR THE SALE AND CONSUMPTION OF ALCOHOL.

IT IS REQUESTED THAT THIS AREA BE EXTENDED TO INCLUDE THE WHOLE PREMESIS (SEE PLAN) TO INCLUDE FRONT AND REAR GARDEN, GROUND FLOOR OF THE BUILDING AND THE CAR PARK. IT IS ALSO REQUESTED THAT CERTAIN HOURS FOR LICENSABLE ACTIVITY BE EXTENDED/ALTERED.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	2359	Please give further details here (please read guidance note 3) - LIVE BANDS - DISCO RECORDED MUSIC - AMPLIFIED.	Both	<input checked="" type="checkbox"/>
Tue	1200	2359			
Wed	1200	2359	State any seasonal variations for the performance of live music (please read guidance note 4) - FRONT AND REAR GARDENS		
Thur	1200	2359.			
Fri	1200	2359	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) - CHRISTMAS EVE 1900 - 0100 - NEW YEAR EVE 1900 - 0300		
Sat	1200	2359			
Sun	1200	2359			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	2359	<u>Please give further details here</u> (please read guidance note 3) - LIVE BANDS - DISCO RECORDED MUSIC - AMPLIFIED	Both	<input checked="" type="checkbox"/>
Tue	1200	2359			
Wed	1200	2359		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) - FRONT + REAR GARDENS	
Thur	1200	2359			
Fri	1200	2359	<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) - CHRISTMAS EVE 0900 - 0100 - NEW YEARS EVE 1900 - 0600 (NYD)		
Sat	1200	2359			
Sun	1200	2359			

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

H

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	2330	<u>Please give further details here</u> (please read guidance note 3) - UTILISATION OF FRONT + REAR GARDENS FOR CONSUMPTION OF FOOD + ALCOHOL - THE ERECTION OF MARQUEE / TENT	Both	<input checked="" type="checkbox"/>
Tue	2300	2330			
Wed	2300	2330	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) - THIS WILL ESSENTIALLY BE A SUMMER ACTIVITY.		
Thur	2300	2330			
Fri	2300	0100	<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) CHRISTMAS EVE 1100 - 2359 NEW YEARS EVE 100 - 0300hrs		
Sat	2300	0100			
Sun	2300	2330.			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1100	2330	- DURING THE SUMMER MONTHS FOR THE SALE OF AND CONSUMPTION OF ALCOHOL.		
Tue	1100	2330			
Wed	1100	2330			
Thur	1100	2330	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	0100	CHRISTMAS EVE 1100-2359hrs NEW YEARS EVE 1100-0300hrs.		
Sat	1100	0100			
Sun	1100	2330			

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)**

NONE.

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1100	2330	IT IS REQUESTED THE THE WHOLE PROPERTY (SEE PLAN) BE LICENSED FOR THE SALE AND CONSUMPTION OF BOTH FOOD AND ALCOHOL IN PARTICULAR THE REAR AND FRONT GARDENS.
Tue	1100	2330	
Wed	1100	2330	
Thur	1100	2330	
Fri	1100	0100	
Sat	1100	0100	
Sun	1100	2330	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
			CHRISTMAS EVE - 1100 - 2359 NEW YEARS EVE - 1100 - 0300

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

1. IT IS REQUESTED THAT THE WHOLE PROPERTY BE LICENSED (SEE PLAN) FOR THE SALE AND CONSUMPTION OF ALCOHOL AND FOOD IN PARTICULAR FRONT & REAR GARDENS AND COMPLETE GROUND FLOOR OF THE BUILDING.
2. IT IS ALSO REQUESTED THE CURRENT EXISTING CONDITIONS REMAIN.

Please tick yes

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

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

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

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

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

- PREVENTION OF CRIME
- PUBLIC SAFETY
- PREVENTION OF PUBLIC NUISANCE
- PROTECTION OF CHILDREN.

b) The prevention of crime and disorder

- WE MAINTAIN A REGISTER TO RECORD INCIDENTS RELEVANT TO THE LICENSING ACTIVITY.
- WE HAVE A COMPREHENSIVE STAFF TRAINING PROGRAMME; ALL STAFF ARE TRAINED ON LICENSING ACT 2003 & DRUG AWARENESS.
- WE WORK CLOSELY WITH THE LOCAL POLICE, LOCAL AUTHORITY LICENSED TRADE ASSOCIATIONS & OTHER ENFORCEMENT AGENCIES TO ENSURE BEST INDUSTRY PRACTICES IN SUPPORT OF THE LICENSING

OBJECTIVES.

c) Public safety

- WE OPERATE A 30MIN WIND DOWN PERIOD AFTER PERMITTED HOURS TO ENSURE EFFECTIVE DISPERSAL FROM THE PREMISES.
- WE ENSURE THAT OPEN CONTAINERS ARE NOT TAKEN FROM THE PREMISES.

d) The prevention of public nuisance

- LIVE MUSIC WILL END AT 2300 / 0300 ON SPECIFIED DAYS. (NEW YEARS EVE) ALL WINDOWS WILL BE SHUT AFTER 2230.
- ALL CUSTOMERS WILL BE ASKED TO LEAVE QUIETLY AFTER 2300 AND ALL STAFF WILL REINFORCE THIS MESSAGE.

e) The protection of children from harm

- THE RESTRICTIONS SET OUT IN THE LICENSING ACT 2003 WILL APPLY.
- WE OPERATE A MANDATORY PROOF OF AGE SCHEMES - AND ANY OTHER MEASURE TO ENSURE THAT CHILDREN DO NOT PURCHASE, ACQUIRE OR CONSUME ALCOHOL.
- WE OPERATE A POLICY THAT ALL CHILDREN ARE SUPERVISED BY A RESPONSIBLE ADULT AT ALL TIMES
- CHILDREN UNDER 16 ARE NOT PERMITTED IN THE BAR AFTER 2100 HRS UNLESS DINING AND UNDER 19 SUPERVISION OF AN ADULT.

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	M Clifford
Date	01/02/12
Capacity	Licence Holder.

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

Signature	
Date	
Capacity	

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

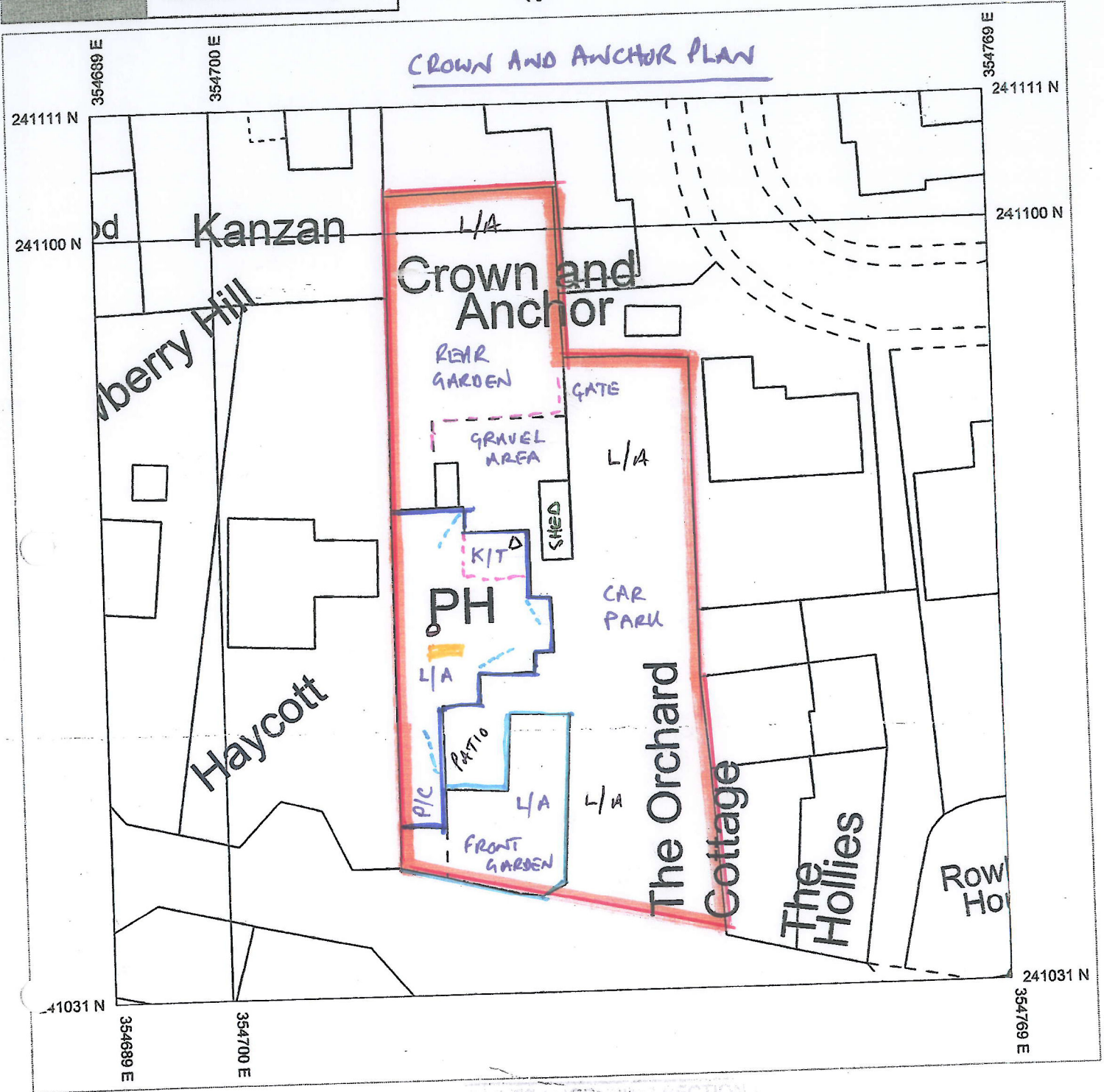
MR M CLIFFORD OBE
 Crown + Anchor
 COTTSLANE
 LUGWARDINE

Post town	HEREFORD	Post code	HR1 4AB
Telephone number (if any)	01432 851303		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

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

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



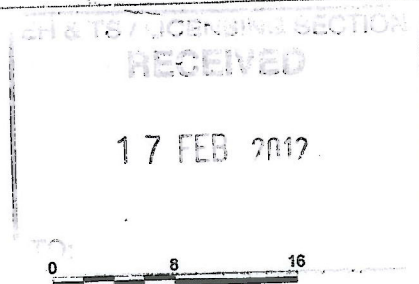
Produced 31/01/2012 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2012

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



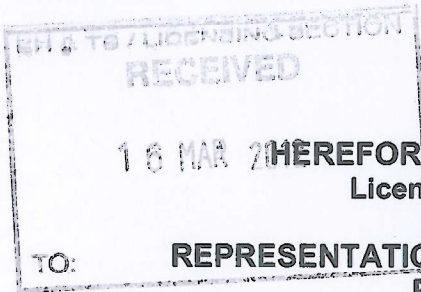
Supplied By: Hereford Map Centre
Serial number: 001022373
Plot Centre Coordinates: 354729, 241071

- FIRE EXT FOAM
- △ FIRE EXT POWDER

KEY

- PREMISES BOUNDARY -
- BLD BOUNDARY —
- DOORS ESCAPE ROUTES - - -
- LICENSABLE ACTIVITY - L/A
- PUBLIC TOILETS - P/K
- KITCHEN - K/T
- BAR LOCATION ■

□ - LICENSABLE AREA FOR ALL ACTIVITIES



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**

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED] Lugwardine Hereford HR1 4AB	E-mail address: [REDACTED] Please state your interest in the premises you are making a representation about: local resident
Name & Address of premises you are making a representation about: Crown & Anchor Pub Cotts Lane Lugwardine Hereford HR1 4AB	

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

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

To Prevent Crime & Disorder

I understand the application requests that the licensed area for the sale and consumption of alcohol and food is extended in hours (11.00 to 23.30 Sunday to Thursday and 11.00 to 01.00 Friday and Saturday together with Christmas Eve (11.00 to 23.59) and New Year's Eve (11.00 to 03.00)) and increased to include, in addition to other areas, the area currently used as car parking.

I have several concerns with this, as detailed below, but of course this is not exhaustive:

- Increased access to alcohol could lead to increased incidents of crime and disorder.
- The extended hours mean that patrons will not be able to benefit from the local mass public transport. The DRM run route sees the last bus leaving for Hereford at 23.02 Monday to Saturday and 17.32 Sundays and Bank Holidays and for Ledbury 23.31 Monday to Saturday and 18.11 Sundays and Bank Holidays, so extended hours on Friday and Saturday, Christmas Eve and New Year's Eve may mean increased car/taxi usage and maybe even encourage drink driving given the business is in a rural area.

Public Safety

I understand the application requests that the licensed area for the sale and consumption of alcohol and food is extended in hours (11.00 to 23.30 Sunday to Thursday and 11.00 to 01.00 Friday and Saturday together with Christmas Eve (11.00 to 23.59) and New Year's Eve (11.00 to 03.00)) and increased to include, in addition to other areas, the area currently used as car parking.

I have several concerns with this, as detailed below, but of course this is not exhaustive:

- This could remove the area that cars can use to park, increasing the occasion when cars park in Cotts Lane itself, an occurrence we already see regularly. This is a small country lane that is used as a run through from North/West Hereford traffic (A4103) to South/East Hereford Traffic (A438). Increased use of this lane late into the night for parking will make accidents an inevitability and could even block the route for emergency vehicles.
- The area dedicated to car parking is already small, given that the premises could accommodate between 50 and 70 individuals and taking this away at times when MORE patrons would be expected will increase threat to public if the car parking area is used for the sale and consumption of alcohol and food. Any cars parked in the area moving at a time when patrons are enjoying licensed activities would lead to accidents.
- The extended hours mean that patrons will not be able to benefit from the local mass public transport. The DRM run route sees the last bus leaving for Hereford at 23.02 Monday to Saturday and 17.32 Sundays and Bank Holidays and for Ledbury 23.31 Monday to Saturday and 18.11 Sundays and Bank Holidays, so extended hours on Friday and Saturday, Christmas Eve and New Year's Eve may mean increased car/taxi usage and maybe even see individuals trying to walk on busy highways to return home at a late hour in the dark, leading to a risk to public safety.

To Prevent Public Nuisance

I understand the application requests that the licence is amended for the inclusion of live and recorded music and amplified sound between the hours of 11.00 to 23.30 Sunday to Thursday and 11.00 to 01.00 Friday and Saturday together with Christmas Eve (11.00 to 23.59) and New Year's Eve (11.00 to 03.00) and that this is to be permitted within the requested increased licence area.

I have several concerns with this, as detailed below, but of course this is not exhaustive:

- **AMPLIFIED AND NON-AMPLIFIED MUSIC, SINGING AND SPEECH**

We experienced considerable noise disturbance on New Year's Eve (31st December 2011/1st January 2012) from music, karaoke, crowd noise and patrons leaving late into the night.

At 02.00 on 1st January 2012 we called the premises asking when the music would stop, as my young children were unable to sleep, and was advised the licence was until 03.00. By 03.30 the sound was continuing and I have video evidence of the sound disturbance we experienced from the furthest boundary of my property.

We also experienced sound disturbance on 7th January 2012 again with noise from music, karaoke, crowd noise and patrons leaving late into the night.

I understand that the use of a marquee as the base for the music encouraged patrons to be outside which probably contributed to the noise levels even more than would otherwise have been the case.

With live and recorded music and amplified sound inside, the property itself is apparently a 300 year old timber framed country pub, and this construction, together with the quality of door and window fittings, make it entirely inappropriate as a venue for amplified and non amplified music, singing and speech in a residential area with close neighbouring properties.

- **PATRONS ARRIVING AND LEAVING THE PREMISES, INCLUDING PROVISION OF PUBLIC TRANSPORT.**

The Bus timetable sees the last bus leaving for Hereford at 23.02 Monday to Saturday and 17.32 Sundays and Bank Holidays and for Ledbury 23.31 Monday to Saturday and 18.11 Sundays and Bank Holidays, so extended hours on Friday and Saturday, Christmas Eve and New Year's Eve may mean increased car/taxi usage and therefore noise as patrons leave at the proposed extended license hours.

- **CAR PARKS AND OTHER OUTSIDE AREAS**

The area dedicated to car parking is already small, given that the premises could accommodate between 50 and 70 individuals. The request to include car parks and gardens into the proposed extended hours and inclusion of amplified and non amplified music, singing and speech will clearly see the noise level increase late into the night in a quiet residential area.

• **GARDENS, INCLUDING ANY PLANS FOR ARTIFICIAL LIGHTING**

Including any garden area on these premises within the requested extended hours and the provision for amplified and non amplified music, singing and speech will clearly see the noise level increase late into the night in a quiet residential area. With no sound proofing, the quality of life of local residents who have chosen to live in a quiet village will be adversely affected.

Furthermore, extended hours could encourage the hiring or usage of the property for events such as weddings, birthdays or other events that could again cause increased noise, lighting and other impacts on resident's quality of life.

The quality of the property itself and marquees do not protect the local residents from any sound intrusion at hours when they may be wanting or needing to sleep.

• **PROXIMITY OF NOISE SENSITIVE DWELLINGS**

Local residents are made up of families and retired individuals, both of whom need quality of sleep for their continuing good health and are the people most likely to be affected by noise intrusion at the proposed times and by the requested license area change.

The property is surrounded by buildings and so increased noise and late night activity will have an immediate impact on all residents

To Protect Children from Harm

Being the father of children, I would not want to see any risk that my property boundaries or the fabric of my property is affected in any way by increased licensing hours, and therefore extended access to alcohol, could have on excessively intoxicated individuals who could then inflict damage on my property, thereby endangering my family's safety.

Furthermore, I have worked very hard to ensure that my children get good rest at night and I do not want to see that regularly interrupted through late night music, noise and disturbance. I chose to live in a rural area and not next to a nightclub for that very reason.

Signed:

Date:





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

Representation Form – Interested Parties Suggested Conditions

Premise: Crown and Anchor, Lugwardine
Your name: [REDACTED]

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

As a small village, we have very little concerns with crime and disorder. The requested changes to the licence will see an event venue and nightclub placed at the centre of the village which I could see leading to increased opportunity for incidents of crime or disorder.

I would suggest

- that the licensed hours for the sale and consumption of alcohol and food finishes no later than 23.00 every evening.
- that the licensed area for the sale and consumption of alcohol and food is kept within the building boundary and does not include any outside areas.
- that live and recorded music and amplified sound is not permitted within the licence agreement.

Public Safety

The licence holder has a responsibility for the safety of its patrons, and I can see risks that the proposed changes will make that very difficult to administer.

Furthermore, the village is placed between two busy roads and the pub is on a small country lane connecting those roads. Accidents present a real risk to local residents and people using the routes.

I would suggest

- that the licensed hours for the sale and consumption of alcohol and food finishes no later than 23.00 every evening.
- that the licensed area for the sale and consumption of alcohol and food is kept within the building boundary and does not include any outside areas.
- that live and recorded music and amplified sound is not permitted within the licence agreement.

Prevent Public Nuisance

We live in a quiet rural village. The pub is geographically surrounded by properties occupied by potentially vulnerable people who could have the quality of life they currently enjoy adversely affected by noise intrusion.

My past experience is that the licence holder ignored their obligations to previously extended licence permits and fear any privileges could be further abused.

The intention is clearly to create a venue for special events which will increase the likelihood of noise disturbance.

I would suggest

- that the licensed hours for the sale and consumption of alcohol and food finishes no later than 23.00 every evening.
- that the licensed area for the sale and consumption of alcohol and food is kept within the building boundary and does not include any outside areas.
- that live and recorded music and amplified sound is not permitted within the licence agreement.

Protect Children from Harm

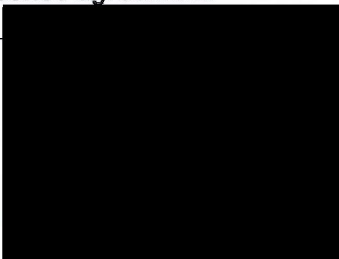
Village life means that you do not have to live with the issues associated with mass drinking. I have a young family that I do not want to be endangered by the side effects of increased access to alcohol, such as broken glass, litter, damage to property or boundaries.

I would suggest

- that the licensed hours for the sale and consumption of alcohol and food finishes no later than 23.00 every evening.
- that the licensed area for the sale and consumption of alcohol and food is kept within the building boundary and does not include any outside areas.
- that live and recorded music and amplified sound is not permitted within the licence agreement.

Signed:

Date:



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

Figure 1 – Immediate neighbouring properties



Signifies approximate site of The Crown and Anchor

Figure 2 –immediate village community



Signifies approximate site of The Crown and Anchor



EH & T57 LICENSING SECTION
RECEIVED
 16 MAR 2012
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

REPRESENTATION FORM – INTERESTED PARTIES

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

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
LUGWARDINE HEREFORD. HR1 4AB	Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT
Name & Address of premises you are making a representation about: CROWN & ANCHOR, COTTS LANE, LUGWARDINE, HEREFORD, HR1 4AB	

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.

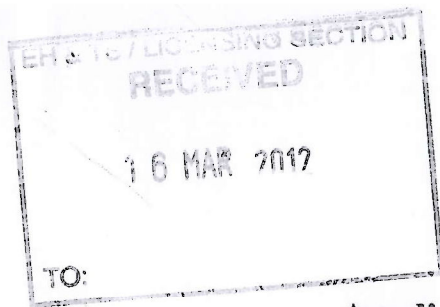
A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance PLEASE REFER TO ENCLOSED SCHEDULE.
To Protect Children from Harm

Signed:
 Date:

[REDACTED]

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



Application by Crown and Anchor

Details supporting representations against public nuisance

OUTSIDE NOISE

1 Living opposite the car park we already suffer from varying degrees of noise when customers leave the premises around closing time. Taxis are a particular nuisance as they park facing our property with headlights on, lighting up our lounge and bedroom, engines running, radios playing loudly and sometimes hooting. If opening hours are extended the result will be people in surrounding properties suffering this disturbance for an extra two hours. The public house has close neighbours on all sides.

2 In the summer months, when windows are open, we are disturbed by noise from smokers and people sitting drinking in the front garden. This is acceptable up to eleven o'clock, if people are not shouting, but unacceptable if it is going to carry on until one o'clock in the morning. Marquees in the front garden are also a nuisance, as large numbers of people congregate inside, again generating unwelcome noise late at night.

PROVISION OF MUSIC (INDOORS AND OUTDOORS)

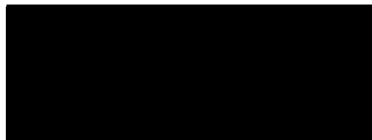
1 In the past late night music inside the premises has caused a problem. Each time people enter or exit the premises through the two doors at the front of the public house loud music can be heard.

2 The worst case scenario is the provision of amplified music outdoors (or in marquees) at any time of day. This has happened previously and is horrendous as there is no escape from the constant thumping sounds. This noise will affect a large number of neighbouring properties, consisting mainly of elderly people, who living in a rural area expect peace and quiet when relaxing in their gardens and a good night's sleep in the evenings.

PARKING

The application states that the landlord now wishes to license the car-park for the sale of alcohol. If events are to take place on the car park this means less parking space so where will cars now be parked? Already at weekends many cars are parked along Cotts Lane, a narrow country lane without pavements, causing problems for the locals entering and leaving their drives. If cars are prevented from using the car park there will be no room for these extra cars to park on Cotts Lane which means they will be causing problems on another road.

Signed



Date 15.3.2012.

Licensing Section
Environmental Health and Trading Standards
Bath Street Offices
Bath Street
Hereford
HR1 2ZF



18th March 2012

Dear Sirs

Licensing Application – Crown & Anchor – Lugwardine

I refer to the Application to vary a premises licence under the Licensing Act 2003, as submitted by Mr Michael Clifford on 01.02.12 in regard to the Crown and Anchor Public House, Lugwardine. This application is currently under public consultation.

[REDACTED]

I am concerned that the effects of the Application will result in reduction to property values and rental incomes, and increase the turn-over of tenants. It will certainly introduce considerable disturbance and safety issues to our current tenants (who have a young child), for the reasons listed below:

Prevention of crime

- (i) The Application will introduce significant increased custom in a quiet residential area. Policing will be difficult due to the location distant from Hereford city centre, This will inevitably introduce a greater risk of inappropriate behaviour within the premises and the isolated lanes in proximity.
- (ii) Busses at this location cease running well before the extended hours for alcohol consumption envisaged by the Application. Taxi fares to / from the city centre will be considerable and may deter use. There will therefore be a greater strain on policing in the monitoring of drink-driving from such a country location.
- (iii) The tenants, recently installed, have already broken the terms of their licence and have been fined for doing so. The value of their assurances that they will adhere to the terms of any wider licence are thereby reduced.

Public safety

- (i) Marquee in the car park will severely reduce or remove existing off-road parking space at the premises, thereby forcing parking by both customers and residents into the adjacent unadopted and narrow lane serving the property. This will result in additional dangers to motorists, horse riders and pedestrians.
- (ii) This restriction to the already narrow lane will cause access difficulties for emergency vehicles,

- (iii) Existing indoor toilets at the premises are considered to be of inadequate capacity for the volume of business contemplated (it will not be difficult to envisage 100+ people at a wedding reception). This shortfall will require additional exterior toilets within or outside the marquees with odour issues during use and during emptying. This arrangement may also encourage public urination.

Prevention of public nuisance

- (i) The premises are surrounded by many quiet bungalow properties, the majority of which are occupied by older residents. If approved in whole or in any significant part, the Application will result in considerable public nuisance, sleep disturbance etc., emanating from:

- Live music and amplified disco music from front and rear gardens including marquees and the premises themselves (a period property with little soundproofing).
- People noise at late hours from front and rear gardens including marquees
- Heater noise when heating marquees
- Flashing disco lights from marquees
- People noise when leaving car park at late hours
- Traffic noise in car park and road, including doors slamming at late hours

Please note that during extended hours opening over this New Year, the activities could be heard 300 yards away in the vicinity of the church and vicarage.

- (ii) Permanent marquees will introduce a general unsightliness affecting the "country pub" appearance
- (iii) It is our understanding that the premises do not have a planning exemption for the erection of marquees, and that these will require a separate planning consultation.

Protection of children

- (i) The conversion of the premises from a quiet country public house to a major event centre, with outdoor attractions, loud music, live bands, flashing lights etc., will serve as a considerable attraction both to small children and teenagers who live in this hitherto quiet residential area.

Much of this activity will be visible from the lane, rather than being confined within the premises as at present. This can only prove detrimental to youngsters in a number of ways, encouraging under-age drinking and smoking, and increasing the need to police for drugs issues. The Application is designed to attract "one-off" events, with attendees who are not "pub regulars" so much of this under-age / drug activity could easily proceed out-of-doors in what will inevitably be a largely unsupervised environment.

Modification to Conditions

It is reasonable to consider modifications to the licencing condition that would be acceptable. However in consideration of the Crown and Anchor being an attractive period public house in the middle of a highly-populated residential area, it is difficult to see how any external marquee or service of alcohol outdoors could be accommodated without changing the nature of the landlord's business. This would then take on a totally different character to that appropriate to the neighbourhood, and introduce a number of unacceptable aspects as noted above.

Acceptable modifications could consist of extension of the licencing hours to, say, 12:00 midnight on a limited number of prearranged days each year (no more than 1 a month). Music could also be allowed during late licencing hours providing that it is live, non-amplified, and played inside the premises with windows closed. This latter condition would need to be properly policed and managed.

Yours faithfully,

ELI 9 TS / LICENSING SECTION
RECEIVED
 20 MAR 2012
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

REPRESENTATION FORM – INTERESTED PARTIES

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

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED] LUGWARDINE, HEREFORD.	E-mail address:
	Please state your interest in the premises you are making a representation about: <input type="checkbox"/> local resident/local business <input checked="" type="checkbox"/> LOCAL RESIDENT.
Name & Address of premises you are making a representation about: THE CROWN AND ANCHOR PUBLIC HOUSE, COTTS LANE, LUGWARDINE, HEREFORD	

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	PLEASE SEE ATTACHED SHEET.
Public Safety	PLEASE SEE ATTACHED SHEET.
To Prevent Public Nuisance	PLEASE SEE ATTACHED SHEET.
To Protect Children from Harm	PLEASE SEE ATTACHED SHEET.

Signed: [REDACTED]
 Date: 20/3/2012
 ELI REPRE – 1 Representation Form

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

The Crown and Anchor Licensing application

Crime and Disorder

Should the application be granted, parking would become a major law enforcement issue because already, the existing car park is insufficient and overflow traffic is causing offences of obstruction to resident's driveways.

Should the various alterations to the present licensing hours, music and entertainment licensing be granted, the parking problems could escalate leading to public order offences.

The pub has only been opened since September 2011 and already has breached conditions, for which they have been fined.

Public order issues have recently arisen with the licensee and local residents and this could escalate if extensions to the licenses are granted.

Should an off licence be granted to the premises, it could increase local crime, disorder, litter and nuisance in the local rural area. It would put extra burdens onto the local police resources

Public Safety

Should the various extensions be granted, the front garden and car park would adjoin the unclassified Cotts Lane and could be dangerous to both people, road users, residents and passing traffic alike.

This would be aggravated because as previously stated, (at weekends and during previous functions), vehicles already park in the lane and in nearby cul de sacs. The area is unlit, the road narrow and unmarked.

It can be particularly hazardous for pedestrians using the lane as a link to the many footpaths and for fellow road users, in particular emergency vehicles.

Cotts lane already has a speed and weight limit enforced due to its nature.

Prevent Public Nuisance

Should the various times and music variations be granted, the surrounding residential area would be affected depending on weather conditions and time of year, by increased noise, light pollution and traffic movements.

This would be greatly exaggerated should these events take place outside the building itself, because there would be no barrier to prevent all types of noise carrying into the surrounding area.

This would include the various music types applied for, also the human noise generated again from being outside. There would also be an increase in vehicle movements both private and service vehicles (taxi/ service vehicles).

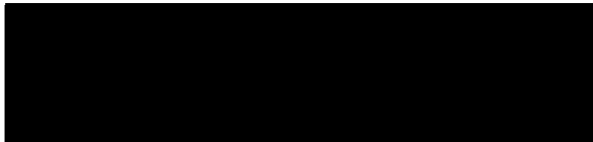
(This would again escalate if in particular the extension of the hours into the early hours from what is already in place be granted.)

Protect children from harm

There is no childproof fence surrounding the front garden to the premises and car park allowing unsupervised children access to Cotts lane.

In the past children have played in the front garden and on the car park and have spilt into the lane when playing ball games.

Signed:



Date: 20/3/2012

HEREFORDSHIRE LICENSING SECTION
RECEIVED
20 MAR 2012
HEREFORDSHIRE COUNCIL
Licensing Act 2003
TO:



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

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.

Contact Telephone No: [Redacted]
Address: [Redacted]
E-mail address: [Redacted]

Please state your interest in the premises you are making a representation about:
VERY NEAR NEIGHBOURS

Name & Address of premises you are making a representation about:
CROWN AND ANCHOR PUBLIC HOUSE,
COTTS LANE, LUGWARDINE.

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 IN THE PAST WE HAVE HAD ITEMS STOLEN FROM OUR GARDEN. IF THIS APPLICATION IS GRANTED I FEEL THAT THE INCREASE IN DRUNKEN PATRON PASSING ALONG OUR ROAD WILL RESULT IN MORE CRIMES BEING COMMITTED.

Public Safety IF THERE IS TO BE NO CAR PARK AT THE PUB THEN THERE IS NO ALTERNATIVE BUT PARKING ON ROADS NEAR TRAHERNE CLOSE IS FAR TOO DANGEROUS FOR THIS - NO LIGHTING AND EXTREMELY NARROW ROAD

To Prevent Public Nuisance EVEN FROM THE PUB ITSELF THE NOISE OF THE MUSIC AFTER MIDNIGHT IS SO INTRUSIVE. FROM A MARQUEE/TENT IT WILL BE SO MUCH WORSE. PLUS THE NOISE OF THE DRUNKEN REVELLERS THEMSELVES. THIS WILL BE TOO MUCH TO BARE.

To Protect Children from Harm

Signed: [Redacted]
Date: [Redacted]

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

[REDACTED]
Hereford
HR1 4AF
[REDACTED]

The Licensing Section,
County Offices,
PO Box 233,
Bath Street,
Hereford.
HR1 2ZF

Dear Sirs,

17th March, 2012

The Crown & Anchor Licensing Application

I wish to object to the above application on the following grounds.

1 Prevent Crime & Disorder.

In the past I have had items taken from my garden, if the license is granted this could result in more items being taken, and more disorderly conduct in the early hours of the morning

2. Public Safety

The application states that they want the whole of the premises licensed, including the car park, Why? The car park is not big enough now so where would they park? The surrounding roads are narrow and unlit but the drivers will still park. If there was a fire would the large fire engines be able to get through?

3.

To Prevent Public Nuisance

With the later hours this will result in much more noise and banging of car doors. Also if they are allowed to have a marquee/tent on the rear lawn playing amplified disco type music this would result in it being heard over a much larger area disturbing many more people. Especially in the summer when it is lighter much later.

Why do they want to play recorded music until 6 am on New Years Eve Eve? Surely 3am is late enough?

4.

To Protect Children from Harm

In the summer months and school holidays there is more likely to be accidents with more children and cars being in the area, and as the Public House is very near a main road this is another hazard. I know the speed limit is 30mph but many drivers take no notice.

[REDACTED]

[REDACTED]
Lugwaerdine.
Hereford
HR1 4AF
[REDACTED]

J
02/03

The Licensing Section,
County Offices,
PO Box 233,
Bath Street,
Hereford.
HR1 2ZF

Dear Sirs,

17th March, 2012

The Crown & Anchor Licensing Application

I wish to object to the above application on the following grounds.

1 Prevent Crime & Disorder.

In the past I have had items taken from my garden, if the license is granted this could result in more items being taken, and more disorderly conduct in the early hours of the morning

2. Public Safety

The application states that they want the whole of the premises licensed, including the car park, Why? The car park is not big enough now so where would they park? The surrounding roads are narrow and unlit but the drivers will still park. If there was a fire would the large fire engines be able to get through?

3.

To Prevent Public Nuisance

With the later hours this will result in much more noise and banging of car doors. Also if they are allowed to have a marquee/tent on the rear lawn playing amplified disco type music this would result in it being heard over a much larger area disturbing many more people. Especially in the summer when it is lighter much later.

Why do they want to play recorded music until 6 am on New Years Eve Eve? Surely 3am is late enough?

4.

To Protect Children from Harm

In the summer months and school holidays there is more likely to be accidents with more children and cars being in the area, and as the Public House is very near a main road this is another hazard. I know the speed limit is 30mph but many drivers take no notice.

[REDACTED]

EH & LS / LICENSING SECTION
RECEIVED
 21 MAR 2017
 TO:



HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

REPRESENTATION FORM – INTERESTED PARTIES

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

Your Name: [Redacted]	Contact Telephone No. [Redacted]
Address: [Redacted] Lugwardine Hereford HR1 4AF	E-mail address: [Redacted]
Please state your interest in the premises you are making a representation about: Local resident	
Name & Address of premises you are making a representation about: Crown and Anchor Cotts Lane Lugwardine.	

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 <ul style="list-style-type: none"> Extended licensing hours for alcohol and food for much larger numbers of people than hitherto is likely to result in disorder, as can be seen in Hereford town centre late at night. The licensee says he will ensure that people leave his premises quietly. He cannot guarantee their behaviour after that, especially in the dark unlit streets of residential Lugwardine.
Public Safety <ul style="list-style-type: none"> See above.
To Prevent Public Nuisance <ul style="list-style-type: none"> The request for live bands, disco and amplified music in the pub and anywhere in the grounds of the pub will intrude on the peace and quiet of local residents, especially given the additional request that this music be permitted from midday until midnight every day and until 6.00 a.m. on New Year's Day. The request for food and drink to be supplied in any part of the pub grounds, including the car park, will mean that parking will be forced onto Cotts Lane and Traherne Close, with noise and disturbance late into the night. Associated disturbances associated with catering for a much larger number of patrons will include external lighting, more deliveries, and more noise, particularly from

Continued on next page...

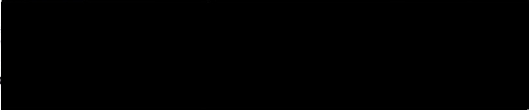
refridgeration and ventilation equipment, and more noise from patrons in the gardens and in the car park.

- The applicant claims that events involving music and outside catering will be often held in the summer months – just at the time when local residents are likely to have their windows open and want to enjoy their own gardens.
- When the licensee moved in the noise of recorded music, from inside the pub, could clearly be heard, through double glazing and thick curtains, until late at night. (We were not here on New Year's Eve when we understand the licensee exceeded the terms of his license.)

To Protect Children from Harm

- The applicant claims to consider public safety but show no compunction for the health of children living in properties which abut his gardens and car park. Amplified music, noise from cars close by, and noise from serving large numbers of patrons throughout the whole grounds are not conducive to health.

Signed
Date:



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



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: Crown and Anchor Lugwardine Your name: [REDACTED]

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

- Limit licensing arrangements to current conditions

Public Safety

- Limit licensing arrangements to current conditions

Prevent Public Nuisance

- Licensing hours should not be extended beyond current limits
- The serving of food and drink should not be extended beyond current limits
- Live bands, disco and amplified music should not be played anywhere in the grounds and noise levels kept to a level which do not disturb local residents
- The car park should be kept as a car park.

Lugwardine is a quiet residential village. A village pub is welcome. A venue for amplified music, discos and live bands, with extended licensing for food and drink, throughout the whole grounds of the property, suggests a night-club, more appropriate for the centre of town or a secluded rural property.

Protect Children from Harm

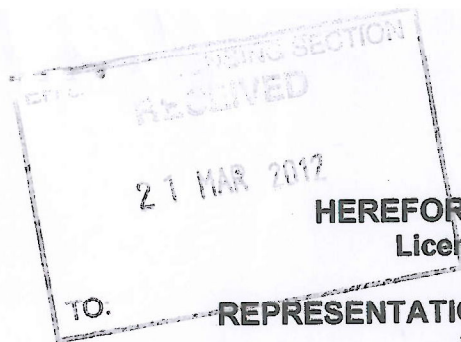
- Noise should be kept within reasonable limits to allow children to sleep.

Should there be a hearing we would like to be given right of audience.

Signed: [REDACTED]

Date: 21st March, 2012

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


 LICENSING SECTION
 RECEIVED
 21 MAR 2012



HEREFORDSHIRE COUNCIL
Licensing Act 2003

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

TO: REPRESENTATION FORM – INTERESTED PARTIES

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

Your Name: [Redacted]	Contact Telephone No. [Redacted]
Address: [Redacted] Lugwardine Hereford HR1 4AB	E-mail address: [Redacted]
Please state your interest in the premises you are making a representation about Local Resident & Immediate Neighbour	
Name & Address of premises you are making a representation about: The Crown & Anchor Public House, Cotts Lane, Lugwardine, Hereford, HR1 4AB	

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 PLEASE SEE ATTACHED LETTER
Public Safety PLEASE SEE ATTACHED LETTER
To Prevent Public Nuisance PLEASE SEE ATTACHED LETTER
To Protect Children from Harm PLEASE SEE ATTACHED LETTER

Signed [Redacted]
 Date: 21/3/2012

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



**HEREFORDSHIRE
COUNCIL**

**Representation Form – Interested Parties
Suggested Conditions**

Premise: Crown & Anchor Public House, Lugwardine

Your name: [REDACTED]

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.

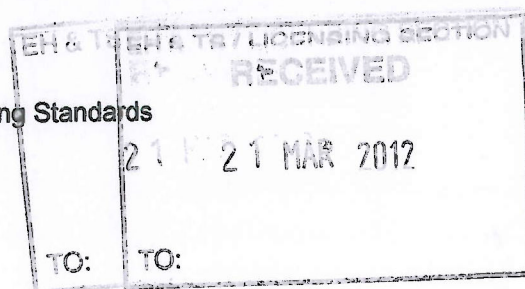
To Prevent Crime and Disorder PLEASE SEE ATTACHED LETTER
Public Safety PLEASE SEE ATTACHED LETTER
Prevent Public Nuisance PLEASE SEE ATTACHED LETTER
Protect Children from Harm PLEASE SEE ATTACHED LETTER

Signed:

Date:

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

Licensing Section
Environmental Health and Trading Standards
Bath Street Offices
Bath Street
Hereford
HR1 2ZF



20th March 2012

Dear Sirs

Re: Licensing Application – Crown & Anchor – Lugwardine

I am writing in response to the Application to vary a premises license under the Licensing Act 2003, as submitted by Mr Michael Clifford on 01.02.12 in regard to the Crown and Anchor Public House, Lugwardine.

[REDACTED] I am concerned about the effects of this Application upon our family's day to day living within the property.

As this application is currently under public consultation I would like to make the following comments in terms of the relevant licensing objectives:

Prevention of Crime & Disorder:

1. This application has requested considerable extensions to the current licensing hours. Any associated increase in custom will inevitably introduce a greater risk of inappropriate behaviour within and adjacent to the premises, which could result in damage to the neighbouring properties/vehicles.

Within the application there is no mention of how local policing could or would be increased to mediate this risk, and given the distance from Hereford City it may be difficult for the local police force to provide sufficient additional cover.

2. The Crown & Anchor is located in a quiet residential area. The current public transport to the premises via the local bus service is not sufficient to cover the new licensing hours, as the buses cease operating well before the end of the proposed extended hours. Whilst the use of taxis is an option, there is arguably also an increased risk of patrons driving their own vehicles away from the premises whilst under the influence of alcohol, and this will introduce a greater strain on local policing in monitoring this in a rural setting.
3. Also the proposed increased use of outdoor space for licensable activities will mean that it is harder for the applicant to police potential occurrences of crime and disorder occurring outside of the premises; this has not been sufficiently addressed within the license application.

Public Safety:

1. The current application requests an extension to the licensing areas to also include the front and rear gardens as well as the car park. Within the application there is no mention of what arrangements will be put in place to provide alternative parking for patrons' vehicles if the car park is not able to accommodate these as it is being used for licensable activities.

The Crown & Anchor is located in a quiet residential area accessed solely via an unadopted lane. Currently during busy periods when the car park is full, patrons of the pub often park on the narrow lane. This means that traffic has to manoeuvre around the parked cars and visibility for drivers is greatly reduced; Were the car park

no longer available the volume of cars parking in this manner would only be increased.

I believe that a lack of sufficient car parking poses a risk to the safety of (i) the patrons accessing their vehicles who are at risk of being harmed by traffic using the lane (ii) motorists and pedestrians using the lane as the visibility and area is greatly reduced by the parked cars (iii) residents who may require the services of emergency vehicles whose access would be impeded by any increase in parked cars on an already narrow lane.

Prevention of Public Nuisance:

1. The application requests that a license be granted for live bands, disco recorded music and amplified music both inside and outside the premises. Whilst the applicant states that efforts will be made to close windows after 22:30 hours to minimise noise, there is no mention of what efforts will be made to minimise the noise emanating from music being played outdoors. This is of concern as the application specifically requests that this license covers the front and rear gardens of the premises as well as the car park.

There have already been incidents of music from the premises causing considerable public nuisance to residents (such as on New Years Eve 2011/12) and were the proposed variations to be granted this would only be increased.

2. As an immediate neighbour we are already exposed to considerable 'people noise' from patrons of the pub, both during licensing hours and when leaving the premises late at night.

Whilst some noise is to be expected when living next to a licensed premises, any increase in licensing hours and/or activities will only result in significant increases in noise levels, particularly as the application is specifically requesting the use of front and rear gardens as well as the car park for licensable activities.

Whilst we note that the applicant has stated he will endeavour to ask patrons to leave quietly, this does not appear to be enforced presently and such noise can be clearly heard from all rooms in our property on a regular basis. I would therefore be keen to hear what extra efforts he intends to make in this regard.

Further, the introduction of a 30 minute wind down period as proposed by the applicant will in effect also add a further 30 minutes to the operating hours of the premises, and thus serve to extend the potential for noise until 00:00 Sunday to Thursday and 01:30 on Friday and Saturday.

3. Further, as an immediate neighbour we are already exposed to considerable traffic noise from patrons of the pub entering and leaving the premises. This includes engine noise, light pollution from car headlights arriving and leaving the premises, car radios, slamming of car doors at late hours, and taxis hooting their horns. An extension of the licensing hours will mean that this noise causes further sleep disturbance for us and our fellow neighbours.
4. The requested increase in the use of outdoor space will result in increased noise and disturbance from the associated use of marquee heaters, disco lights etc.

As immediate neighbours we have already been exposed to this when marquees have been erected at the premises. We also already experience significant light pollution from the existing car park lights (which are permanently on during the evening) with resultant light overflow into our property. Any increases in the use of outdoor space and/or an extension of the licensing hours will only increase this effect.

When this occurs infrequently it is an acceptable consequence of living next to a public house, but a significant increase in their use as proposed within this application would result in unacceptable levels of disturbance and public nuisance.

Further, an increase in the use of marquees will also introduce a general unsightliness affecting the 'country pub' appearance of the Crown & Anchor.

Protection of Children from Harm:

1. Several young children reside in the immediate vicinity of the premises including our own newborn baby. In the past, their sleep has been severely disturbed by noise emanating from the public house when music has been played, such as on New Years Eve 2011/12 where music was played until 03:30 hours (incidentally this music continued well beyond the agreed times of the event license).

If the proposed amendments within this application are granted, then this will only result in further significant disturbances to these young children's sleeping patterns. Were this to occur on a regular basis this could negatively impact on their general health and development.

2. The proposed increased use of outdoor space for licensable activities will mean that it is harder for the applicant to police potential occurrences of under-age drinking and smoking, as well as any potential increases in drug use and anti-social behaviour.

Whilst the applicant states that attempts are currently made to ensure children do not purchase, acquire or consume alcohol on the premises, this application does not explain what additional measures will be put in place to monitor this in the new outdoor environment in order to adequately protect the younger patrons of this public house.

Suggested Conditions:

We accept that as neighbours of a country pub there will be associated consequences, and some level of noise and disturbance is to be expected. With the previous tenants this was generally managed well and consideration appeared to be given to the location of the premises and the impact of the business on local residents.

However we are concerned that as this application proposes to significantly vary the current licensing conditions of the premises, were this to be granted the nature of the business would be significantly altered resulting in the detrimental effects listed above.

Therefore regarding any possible modifications to the current licensing conditions we would like to make the following suggestions:

1. Extension to the Licensing Area:

- Any licensing of the car park is refused on the grounds of public safety as detailed above.
- The current licensing conditions remain regarding the front garden of the property.
- The rear garden be licensed for specific events (e.g. Bank Holidays and Village Festivals) and these are limited to no more than one per month. By limiting outdoor events this will help to mediate the concerns regarding increased crime and disorder, public nuisance and protection of children from harm.
- Where specific licenses are granted for outdoor events, consideration should be given to whether the use of security staff would be appropriate in order to support the necessary policing of these events, and help to reduce the risks of crime and disorder and protection of children from harm.

2. Extension to the Licensing Hours:

When considering this part of the application it is important to note that the applicant has already breached the terms of an extended license on New Year's Eve 2011/2012, for which I understand he received a significant fine. This breach caused considerable disturbances to local residents. Consequently we suggest that:

- The current licensing hours remain in place and any extension to the regular licensing hours of the premises be refused based on the concerns detailed above.
- That the applicant can apply for an extension to the licensing hours for specific events (limited to no more than one per month), and the exact details of which can be considered on a case by case basis by the Licensing Committee. This will help to restore local confidence in the applicant's ability to adhere to the licensing conditions in place.
- That any application requesting an extension to the licensing hours should not exceed 01:00 hours reflecting the residential location of the premises and the impact that such an extension would have on local residents.

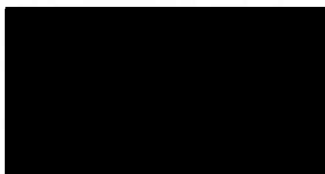
3. Permission to Serve Late Night Refreshments:

- That this request be refused on the grounds of public nuisance and protection of children from harm as the applicant has clearly stated that this is intended to make use of the front and rear gardens and to include tents/marquees. It is felt that should this be granted it will cause an unacceptable increase in noise and light pollution.
- Alternatively, we suggest that permission to serve refreshments be applied for when there are specific events (limited to no more than one per month) and considered by the Licensing Committee on a case by case basis.

4. Provision of Regulated Entertainment (in the form of live bands, disco recorded music and amplified music both inside and outside the premises):

- That this is refused on the grounds of public nuisance and protection of children from harm given that the premises is located in a quiet residential area. Please note that any associated nuisance is not limited to just those properties in the immediate vicinity as during the extended hours opening last New Year's Eve the entertainment could clearly be heard 300 yards away in the vicinity of the church and vicarage.
- That alternatively the applicant can apply for entertainment license to cover special events (limited to no more than one per month) and this can be considered on a case by case basis. However, where entertainment is to be held outdoors we suggest that the license finishes no later than 00:00, reflecting the residential location of the premises and the impact that such music will have on local residents. Perhaps the applicant could also consider the use of sound proofing technology within any outside marquees/tents to lessen the impact of such noise on local residents.

Yours Faithfully,



Lugwardine
Hereford
HR1 4AB



ELI & TS / LICENSING SECTION
RECEIVED
 15 MAR 2012
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

REPRESENTATION FORM - INTERESTED PARTIES

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

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED] LUQWARDINE HEREFORD HR1 4HB	E-mail address: _____ Please state your interest in the premises you are making a representation about: Local resident/local business LOCAL RESIDENT
Name & Address of premises you are making a representation about: CROWN & ANCHOR COTT'S LANE LUQWARDINE HEREFORD HR1 4HB	

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 THE CAR PARK IS TOO SMALL FOR THE EXPECTED NUMBER OF CUSTOMERS (TO STANDING). IF A DRINKS LICENCE IS EXTENDED TO COVER THE CAR PARK THIS AREA COULD BE USED TO ENTERTAIN THUS REDUCING EVEN MORE THE CAR SPACES
To Prevent Public Nuisance AFTER THE DISTURBANCE CAUSED BY MARLIFFORDS NEW YEAR CELEBRATIONS I DREAD TO THINK WHAT LIFE WILL BE LIKE FOR MYSELF AND OTHER ELDERLY RESIDENTS IF A LICENCE TO PLAY MUSIC - INDOORS & OUTSIDE TILL MIDNIGHT - 7 DAYS A WEEK AND TO SERVE FOOD AND DRINK OUTDOORS ON FRIDAY & SATURDAYS TILL 0100 HOURS.
To Protect Children from Harm

Signed: [REDACTED]
 Date: 14-03-2012

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 8 TO LICENSING SECTION
RECEIVED
 15 MAR 2012
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

REPRESENTATION FORM - INTERESTED PARTIES

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

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

When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: NONE
LUGWARDINE HEREFORD HR1 4HB.	Please state your interest in the premises you are making a representation about: LOCAL RESIDENT.
Name & Address of premises you are making a representation about: CROWN AND ANCHOR COTTS LANE LUGWARDINE	

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 THE AVAILABILITY OF CAR SPACES FOR VISITORS TO THE INTENDED MUSIC & CELEBRATIONS THROUGH THE NIGHT, ARE NOT COMPATIBLE. ON A PREVIOUS CELEBRATION PUB NIGHT, THE OVERSPILL OF VISITING CARS, CROSSED OVER THE A438, AND USED OUR COMMON SPACE, TO THE EXTENT THAT GARAGE DOORS, AND PARKING WERE IMPEDED
To Prevent Public Nuisance THE REQUESTED MUSIC PERMISSIONS, IF GRANTED, WILL CAUSE MUCH STRESS. MANY OF OUR RESIDENTS ARE VERY OLD, AND GO TO BED EARLY. THE VERY NATURE OF THE APPLIED FOR MUSIC AND LATE TIMES IS CAUSING MUCH ANXIETY.
To Protect Children from Harm

Signed: [REDACTED]
 Date: **14th MARCH 2012.**

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

EN 8 18 / LICENSING SECTION
RECEIVED
 15 MAR 2012
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

REPRESENTATION FORM – INTERESTED PARTIES

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED] LUGWARDINE HEREFORD HR1 4AB	E-mail address: [REDACTED] Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT
Name & Address of premises you are making a representation about: CROWN AND ANCHOR, COTTS LANE LUGWARDINE HEREFORD HR1 4AB	

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 I MAKE REPRESENTATION AGAINST EACH OF THE VARIATIONS SOUGHT AS EXPLAINED ON THE ATTACHED SCHEDULE
To Protect Children from Harm

Signed: [REDACTED]
 Date: 15 MAR 2012

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

Crown and Anchor – Lugwardine

Details supporting representations re public nuisance

(a) Proposed use of car park and rear garden

At the current level of activity the existing car park is inadequate and each Friday, Saturday and Sunday overflow vehicles park on Cotts Lane. This forces moving vehicles and pedestrians to use just one side of the lane and creates problems for residents entering or leaving their driveways. This is a nuisance but could be even worse should emergency vehicles need access. Cotts Lane is an unclassified narrow lane and there are no footpaths or street lighting

There have been near accidents at the junction of Cotts Lane and Ledbury Road, some 75 yards from the Crown and Anchor, vehicles entering Cotts Lane braking rapidly when meeting vehicles on the wrong side of the road. This is not exclusively caused by the Crown and Anchor.

With increased activity in the extended licensed area more parking will be needed but additionally should the car park be used for the consumption of alcohol then less space will be available for parking. This will mean even more cars parking on Cotts Lane creating more nuisance and increasing the risk of accidents.

(b) Provision of music outdoors including in marquees and particularly in the rear garden

There was an impact on the neighbourhood during the last New Year's Eve when noise levels were excessive and caused complaint regarding amplified music and singing. The event was held inside the licensed building and a marquee on the front garden

If a licence is granted for music outdoors, then the nearby properties, especially those adjoining will be equally detrimentally affected. The licensed premises are in a tranquil rural area predominantly occupied by retired and elderly persons like myself who should be entitled to some peace and quiet.

I do not think a licence should be granted for outdoor music at any time.

(c) Extended hours – Friday and Saturday

At the moment, noise from customers and vehicles leaving around 11 o'clock is irritating but sufferable. However, if customers and vehicles are leaving some two hours later and there is increased activity from the greater licensed area then the noise is likely to be greater but at a time when local residents want to sleep.

(d) Extended hours – Christmas Eve and New Year's Eve

There were problems last New Year, see (b) above, resulting, it is understood, in a fine being imposed. But extension to 3 o'clock (or 6 o'clock) **with music** will be detrimental to local residents' and my right to peaceful sleep.

(e) Extension of licence to whole property

Prior to taking on the licensed premises the landlord came round with a flyer and stated that he needed the local people like me to support him in setting up a community pub. I, for one, was wholly in support.

However, it is understood (from the landlord and landlady) that it is intended to provide wedding receptions and other celebratory parties. Such activities are likely to take place in marquees set up in the front or rear gardens and also in the car park.

The noise from these, which are likely to include amplified music, disco lighting and dancing at any time during the afternoon and evening will be alien to a residential area and certainly not what one would expect in a community pub.

Signed: 

Date: 15 March 2012

✓
[REDACTED]
Lugwardine,
Hereford,
HR1 4AB.

18/3/12

I write regarding the application to vary a premises licence under the Licensing Act 2003, as submitted by Mr Michael Clifford on 01.02.12 in regard to the Crown and Anchor Public House, Lugwardine. This application is currently under public consultation.

[REDACTED]
Below are listed a number of concerns that we have:

Prevention of Crime and Disorder:

- ▲ I am extremely concerned about the increase in trade that this business will receive, and clearly anticipates, as a result of the proposed changes. It is inevitable that businesses of this nature will, unfortunately, experience some level of antisocial behaviour from some customers at times. *Outside of the city centre, this increase in late night custom would make it difficult for the police or other relevant authorities to respond to any disturbance or criminal activity promptly, as they might in the city area where the proposed license would be more appropriate to the location.*

- ▲ The increase in traffic and parked cars has already made it difficult for local residents to enter and exit their properties, which demonstrates that a large proportion of the pub's trade are drivers. These proposed hours and the provision of late night music in such a rural area, with a small lane for access, would suggest that this situation will worsen. *As a result of increased custom, there will be more cars and the possibility of drink driving will be more likely. Already there are large amounts of driving customers, on weekend nights especially (i.e with later hours and more entertainment than is currently available on weekdays), at The Crown and Anchor.* We as residents can only hope that these customers are responsible in their driving and have not exceeded the legal limit. I have a young child who likes to be able to play in his front garden in the evenings, and I have had to stop him from doing this for his own safety at times when the pub is busy.

These changes will make it harder still for us to feel confident of the safety of the area from irresponsible and illegal driving activity.

Public Safety:

- ▲ Using the car park as an area for a marquee and/or entertainment, without reasonable and realistic provision for customer parking, will obviously reduce the amount of space available for customers to park on pub premises. This will only worsen an already bad situation in relation to the volume of cars that park on Cotts Lane. Currently, it is not uncommon for many of the customers of The Crown and Anchor to park on Cotts Lane and in other nearby residential areas at busy times. This demonstrates that the provision that is in place for parking is already inadequate, and to reduce this further whilst increasing the amount of anticipated customers is irresponsible. It is not in the interests of public safety to ignore this situation, let alone make the problem worse, as already the area is *hazardous to motorists, residents and customers by way of the decreased visibility that is resulting from so many cars parked on this very narrow lane, the blockage of access to driveways and the lack of space for motorists to safely negotiate the road.*

- ▲ *I would also like to question the provision of appropriate toilet facilities in this pub for the proposed amount of custom.* The premises is clearly not currently designed for such use, as it has always been a quiet country pub, and to radically change the nature of the pub (as the proposed license changes clearly do) means that the owners should surely demonstrate that they are capable of responding to these changes in line with health and safety regulations. To use exterior toilets so close to local residences poses possible issues with odour and hygiene, not to mention the possibility of urination outside of these, as is common for businesses with similar hours in more urban areas. This is potentially unsafe.

Public Nuisance:

- ▲ *The Crown and Anchor is already the source of considerable noise and light, especially on weekends. The premises are closely surrounded by quiet residential properties, the majority of which are occupied by older residents or young families. If approved in whole or in any significant part, the application will result in considerable public nuisance, sleep disturbance etc.* We are aware that on New Years Eve the business owners exceeded their allowed hours, ignoring the complaints of local residences, and that the noise could be heard at the Vicarage which is approx 250 meters away. This does not fill us with confidence. The proposal of loud, amplified music at such late hours is totally inappropriate to the nature of the area and would have a significant

negative impact on our quality of life and sleep. My son already suffers from disturbed sleep, and my partner works antisocial hours which means he must sleep in the evening. We are quite confident that we would be subjected to an unreasonable level of noise indoors should this go ahead, as the noise levels on weekends even now are just below the limits of acceptable. There is not just potential music noise to be taken into account, but people talking, car doors slamming and constant traffic. ***Closing the windows on the property is not a robust or adequate solution to these potential disturbances, and marquees are, as far as I'm aware, not known for their soundproofing properties.***

Protection of Children.

- ▲ ***As previously mentioned, I already feel that it is unsafe for my son to play in the front garden of our property now due to increased traffic in the area. This includes pedestrian traffic on the footpath that runs parallel to our house. Should these proposed changes take place, this would worsen the situation still, and there are many children in this area.*** The current car park of the pub is in no way walled off from the road, which means that any events going on outside at the pub would be open for children to potentially wander in and out of. This is obviously unsafe for them. It must also be considered how the business would reasonably monitor the outdoor areas to prevent under-age drinking from taking place away from bar areas.

We would, of course, like to be able to reach a compromise with the current business owners. However, it is clear that they hope to radically change the nature of the service that the pub has traditionally offered, and to reach a compromise we would hope to see them making reasonable and considered changes that are appropriate to this quiet residential area. It is hard to reconcile these two ideas. Acceptable modifications could consist of extension of the licensing hours to, say 12:00 midnight on a limited number of prearranged days each year (say no more than 1 a month). Music could also be allowed during late licensing hours providing that it is live, non-amplified, and played inside the premises with windows closed. This latter condition would need to be properly policed and managed.

Thankyou for your attention in this matter,



From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 22 February 2012 11:31
To: Poole, Ady
Subject: RE: Crown & Anchor - variation application
Ady

I do mean the Crown & Anchor - once the application is accepted - please use these as my reps.

Regards

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

From: Poole, Ady [mailto:apoole@herefordshire.gov.uk]
Sent: 22 February 2012 11:19
To: Mooney,James
Subject: RE: Crown & Anchor - variation application

Hi
Do you mean the Crown and Anchor?
I haven't accepted the application as yet as the plan is not correct.
Ady

Adrienne Poole
Licensing Assistant,
Environmental Health & Trading Standards,
People's Services Directorate - Health & Wellbeing Service,
Herefordshire Council, Bath Street Offices, Bath Street,
Hereford.

HR1 2ZF
Tel: 01432 260105
Fax: 01432 383142
email: apoole@herefordshire.gov.uk

Council's Homepage www.herefordshire.gov.uk

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.

"Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council, Herefordshire Primary Care Trust or 2gether NHS Foundation Trust. You should be aware that Herefordshire Council, Herefordshire Primary Care Trust & 2gether NHS Foundation Trust monitors its email service. This e-mail and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error please contact the sender immediately and destroy all copies of it. Please consider the environment before printing this e-mail."



Save paper - please only print out this message if you really need to.

From: Mooney,James [mailto:james.mooney@westmercia.pnn.police.uk]
Sent: 22 February 2012 11:05
To: Licensing
Cc: Spriggs, Fred; Poole, Ady
Subject: Crown & Anchor - variation application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for the **Crown & Anchor Public House, Lugwardine, Hereford**. This application seeks to extend the licensed area and to extend the licensable hours.

West Mercia Police do not object to this application. However they do have concerns with regards to the use of the external areas late at night. This location is a rural setting and is surrounded by residential dwellings. The use of the external area late at night will impact on the well being of local residents and will likely result in complaints to the police and likely other authorities.

In order to promote the licensing objectives, West Mercia Police have the following representations which are based on the history of the location, the submissions by the applicant and the model list of conditions contained in Herefordshire Council Licensing Policy 2012. It is our belief that these representations are necessary, proportionate, achievable and enforceable.

1. The applicant has indicated a '30 minute wind down period', however the application has the hours for the sale of alcohol and opening hours to the public as the same. I would suggest that the application amend the application to include a further 30 minutes to the operating hours to comply with their submissions.
2. No regulated entertainment will take place outside after 2345hrs.
3. The DPS/PLH will employ SIA doorstaff at times when risk assessment dictates door supervision to be necessary.
4. 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.
5. 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

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 six 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 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.

8. All windows will be kept shut after 2230 hours.

9. No open containers will be removed from the premises.

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

11. 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.

12. Live or Recorded music shall be restricted to the area marked on the premises plan

13. Any speaker within the premises shall be directed away from any residential property

14. 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.

15. 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.

16. No person under the age of 16 shall be permitted on the premises after 2100hrs unless dining and accompanied by an adult aged 18 or over.

17. 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.

18. 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).

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

Jim Mooney
Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmerciam.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

From: Hough, David
Sent: 27 February 2012 15:22
To: Licensing
Subject: FW: Application to vary the premises licence at Crown and Anchor Cotts Lane Lugwardine

Follow Up Flag: Follow up
Flag Status: Completed

From: Hough, David
Sent: 27 February 2012 15:05
To: 'mclifford.obe@btinternet.com'
Subject: Application to vary the premises licence at Crown and Anchor Cotts Lane Lugwardine

Mr Clifford

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application for a premise licence in respect of Crown and Anchor Cotts Lane Lugwarding HR1 4AB.

As a Service we need to ensure that steps are taken to prevent alcohol being sold to children/persons under the age of eighteen. I note from your application that you have a comprehensive staff training programme and operate a mandatory proof of age scheme therefore the following conditions are suggested to be included in the licence. To agree condition 1 I will need to see and agree your training.

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 agreed 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). With retraining every 6 months. 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 your agreement and copy the email

to licensing@herefordshire.gov.uk

Or

Please contact me to discuss this matter so we can agree appropriate conditions.

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. dough@herefordshire.gov.uk
GCSX. dough@herefordshire.gcsx.gov.uk

Council's Homepage www.herefordshire.gov.uk

This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If an attachment is included we cannot accept any liability for any loss or damage sustained as a result of software viruses. It is your responsibility to carry out such virus checking as is necessary before opening any attachment.

If you have received this e-mail in error, please notify the IT Service Helpdesk at the Herefordshire Council, telephone 01432 260160.

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

From: Corfield, Richard
Sent: 02 March 2012 16:04
To: Licensing
Subject: RCO00184

MEMORANDUM

To : LICENSING OFFICER
 From : Richard Corfield
 Tel : 01432 261666 My Ref : RCO/100414
 Date : 2 March 2012 Your Ref :

**LICENSING ACT 2003
 APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
 CROWN & ANCHOR**

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

Representation	
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>I have concerns with regards to the proposed use of the external areas for regulated entertainment. This location is in a rural setting and surrounded by residential dwellings. The use of the external area will impact on the well being of local residents.</p> <p>I consider that the outside areas are not suitable for use for regulated entertainment and any license issued should be conditioned accordingly.</p> <p>In addition, I consider that the following conditions are necessary and appropriate to prevent public nuisance:</p> <p>All windows will be kept shut after 2230 hours, when there is regulated premises occurring .</p> <p>Noise or vibration shall not emanate from the premises so as to cause a nuisance.</p> <p>The Premises Licence Holder, 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.</p>	

<p>Live or Recorded music shall be restricted to the area marked on the premises plan</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>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.</p>	
PROTECTION OF CHILDREN FROM HARM	

**RICHARD CORFIELD
ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 APRIL 2012
TITLE OF REPORT:	APPLICATION FOR A NEW PREMISES LICENCE 'YAMZ TAPAS BAR', TURNER COURT, THE HOMEND, LEDBURY, HR8 1BP – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for a new premises licence in respect of 'Yamz Tapas Bar, Turner Court, The Homend, Ledbury, HR8 1BP'.

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
- **Two (2)** representations from Responsible Authorities (Police & Trading Standards)

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	Adam Teper	
	P O Box 17, Kington, Hereford, HR3 6WY	
Representative	Personal Licence Training	
Type of application:	Date received:	28 Days consultation
New Application	22/02/2012	20/03/2012

Licence Application

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

Summary of Application

- 5 The application requests that:

Recorded Music	10:00 – 23:30	Sunday to Wednesday
	10:00 – 01:00	Thursday to Saturday
Late Night Refreshment	23:00 – 23:30	Sunday to Wednesday
	23:00 – 01:00	Thursday to Saturday
Supply of Alcohol	10:00 – 23:00	Sunday to Wednesday
	10:00 – 00:30	Thursday to Sunday
Non Standard Timings:	None	
Seasonal variations:	None	

Summary of Representations

- 6 A copy of the representations can be found within the background papers.
- 7 Representations have been made by:
One (1) member of the public
Two (2) from Responsible Authorities (Trading Standards & Police – these have been agreed and accepted by the applicant)

Key Considerations

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

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.

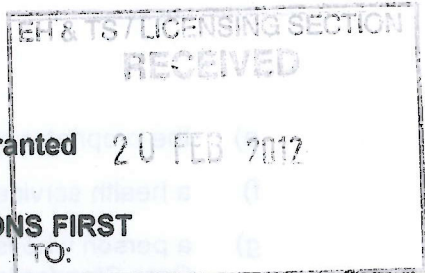
20 The applicant has produced a copy of the advertisement which is correct.

Appendices

- 21 a. Application Form
- b. Public Representation
- c. Police Representation – agreed conditions
- d. Trading Standards Representation – agreed conditions

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
under the Licensing Act 2003**

20 FEB 2012

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 ADAM TEPER

(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 YAMZ TAPAS BAR TURNER COURT THE HOMEND			
Post town	LEDBURY	Post code	HR8 1BP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9000

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 TEPER			First names ADAM		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		PO BOX 17 KINGTON			
Post Town	HEREFORD			Postcode	HR3 6WY
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	

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 BRICK BUILT PREMISES OPERATING AS A TAPAS CAFÉ BAR

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>indoors or outdoors or both</u> – 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)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<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>		
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" 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) FOR THE PROVISION OF BACKGROUND MUSIC WHILST PATRONS USE THE PREMISES		
Mon	10.00	23.30			
Tue	10.00	23.30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	10.00	23.30			
Thur	10.00	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)		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	23.30			

G

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

H

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

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	23.30	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	23.30			
Wed	23.00	23.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	01.00			
Fri	23.00	01.00	<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	23.00	01.00			
Sun	23.00	23.30			

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	10.00	23.00			
Tue	10.00	23.00			
Wed	10.00	23.00			
Thur	10.00	00.30			
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	10.00	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)		

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

Name MR MAHAMED ABDUL HASNATH	
Address 51 RUTLAND DRIVE YARDLEY BIRMINGHAM	
Postcode	B26 1UB
Personal Licence number (if known) 2559	
Issuing licensing authority (if known) BIRMINGHAM CITY 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)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	23.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	10.00	23.30	
Wed	10.00	23.30	
Thur	10.00	01.00	
Fri	10.00	01.00	
Sat	10.00	01.00	
Sun	10.00	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)

The DPS fully understands his roles and responsibilities concerning the four licensing objectives obtained within the 2003 Licensing Act, a comprehensive breakdown of these objectives and how to ensure they are met are detailed below. The DPS attended the NCPLH level 2 training programme and his personal licence was issued by Birmingham City Council. The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 Licensing Act including the Challenge 25 rule.

b) The prevention of crime and disorder

The client will have installed to the premises a CCTV digital recording system with a minimum of 31 days recording capability to ensure the prevention of crime & disorder. The CCTV will follow the DCMS guidelines for camera systems in licensed premises and will be in accordance with Police recommendations. All members of staff shall be trained to deal with suspicious customers efficiently. All CCTV recordings shall be available to local Police immediately upon request. One member of staff shall be trained to keep the CCTV in full working order at all times.

c) Public safety

The installed and approved CCTV digital recording system of the premises with a minimum of 31 days recording capability, will monitor all public safety issues. The DPS will be responsible for conducting a Fire Risk Assessment and also a Health & Safety Risk Assessment for the licensed premises. All notices in relation to public health & safety will be displayed at the premises. The DPS will also ensure the premises will be operated in line with the Health & Safety Act and any environmental health issues will be the responsibility of both the licence holder for the premises and the DPS.

d) The prevention of public nuisance

The DPS/Premises licence holder fully understands that it is their duty to prevent their business causing any nuisance to any local residents or businesses. They will monitor the external premises area in relation to any anti-social behaviour or public nuisance. The premises will only accept trade deliveries or rubbish collections during normal working hours. The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti-social behaviour both inside and outside of the premises, the DPS will make any CCTV recordings available to the local Police immediately.

e) The protection of children from harm

The DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the Challenge 25 Rule. The premises will clearly display Challenge 25 posters. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved ID cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their identity when purchasing alcohol. The premises will also have a refusals register, which will be kept at the premises at all times and all refusals by any member of staff shall be recorded. The register will be made available to Responsible Authorities on request.

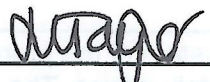
Please tick yes

- 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	16/02/2012
Capacity	Licensing Consultants on behalf of Client

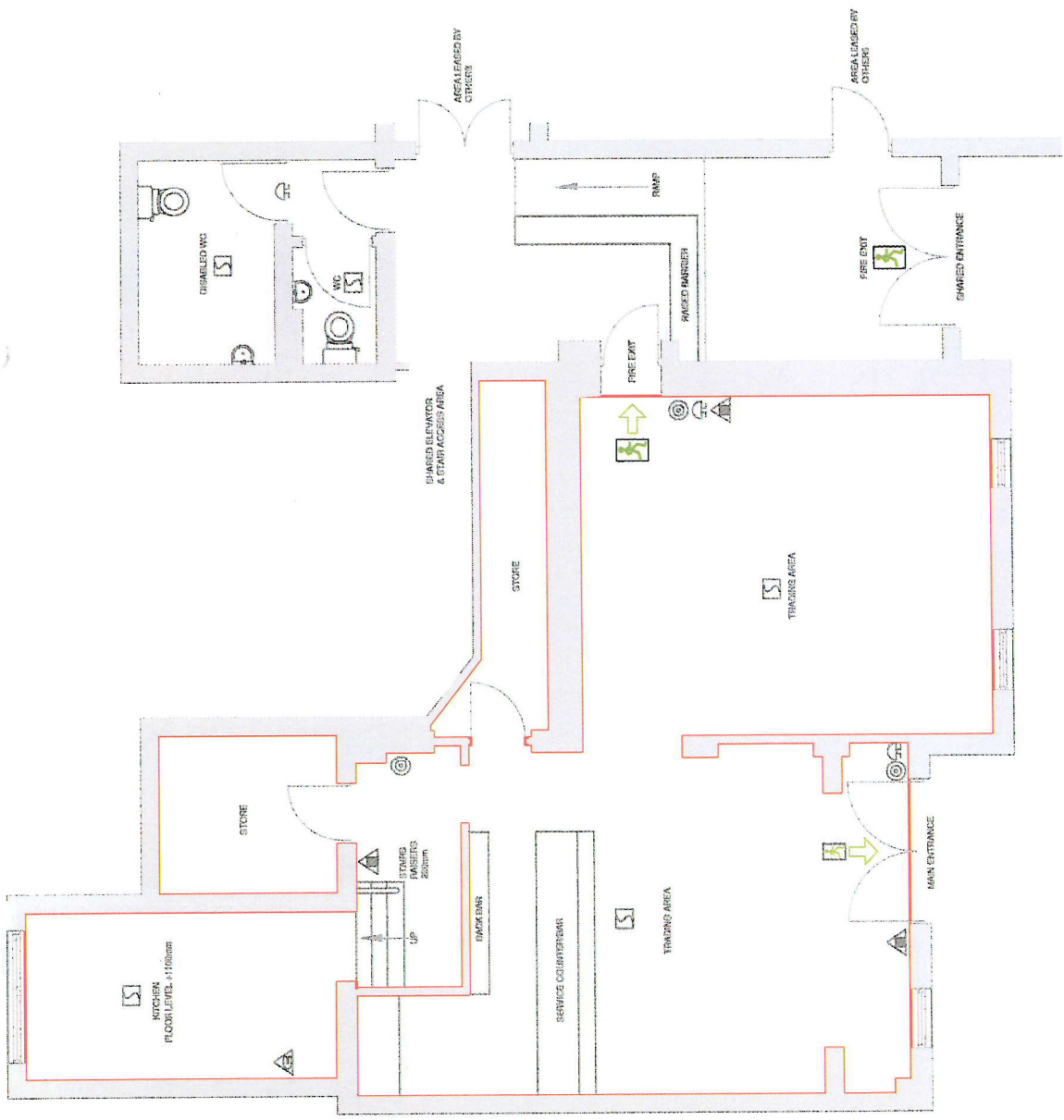
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Personal Licence Training Ltd Unit 3 The Oaks Clews Road			
Post town	Redditch	Post code	B98 7ST
Telephone number (if any)	01527 544 780		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) jo.taylor@personallicencetraining.co.uk			

Notes for Guidance

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



TOTAL LICENSED AREA 232.00 SQM

SYMBOLS KEY	
	FIRE EXIT
	LICENSED AREA
	DETECTOR, SMOKE
	FIRE BLANKET
	FIRE ALARM MANUAL CALL POINT
	FIRE ALARM SOUNDER
	EXTINGUISHER, FOAM

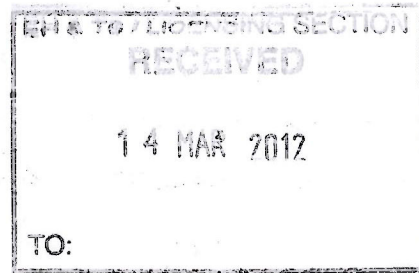
Drawing No. 002485	Drawing: Licensing Plan	Project: Turner Court, The Homend, Ledbury HR8 1BP	Date 15.02.2012	Sheet 1 of 1
UK Surveyors Ltd www.uksurveyors.net			Do not scale off this plan	
			Drawn By: D.J.F	Scale 1:100 @ A4
djr@uksurveyors.net Mobile: 07814-452536 Office: 01543-222915				

1. NAME 2. ADDRESS 3. CITY 4. STATE 5. ZIP	6. PHONE 7. FAX 8. E-MAIL	9. DATE 10. TIME 11. BY
---	--	--

12. **REMARKS**

Turner Court, Hamond Crescent, Hedon, 710 0 111.

The Licensing Officer,
County Offices,
Nabod Road,
Newford.



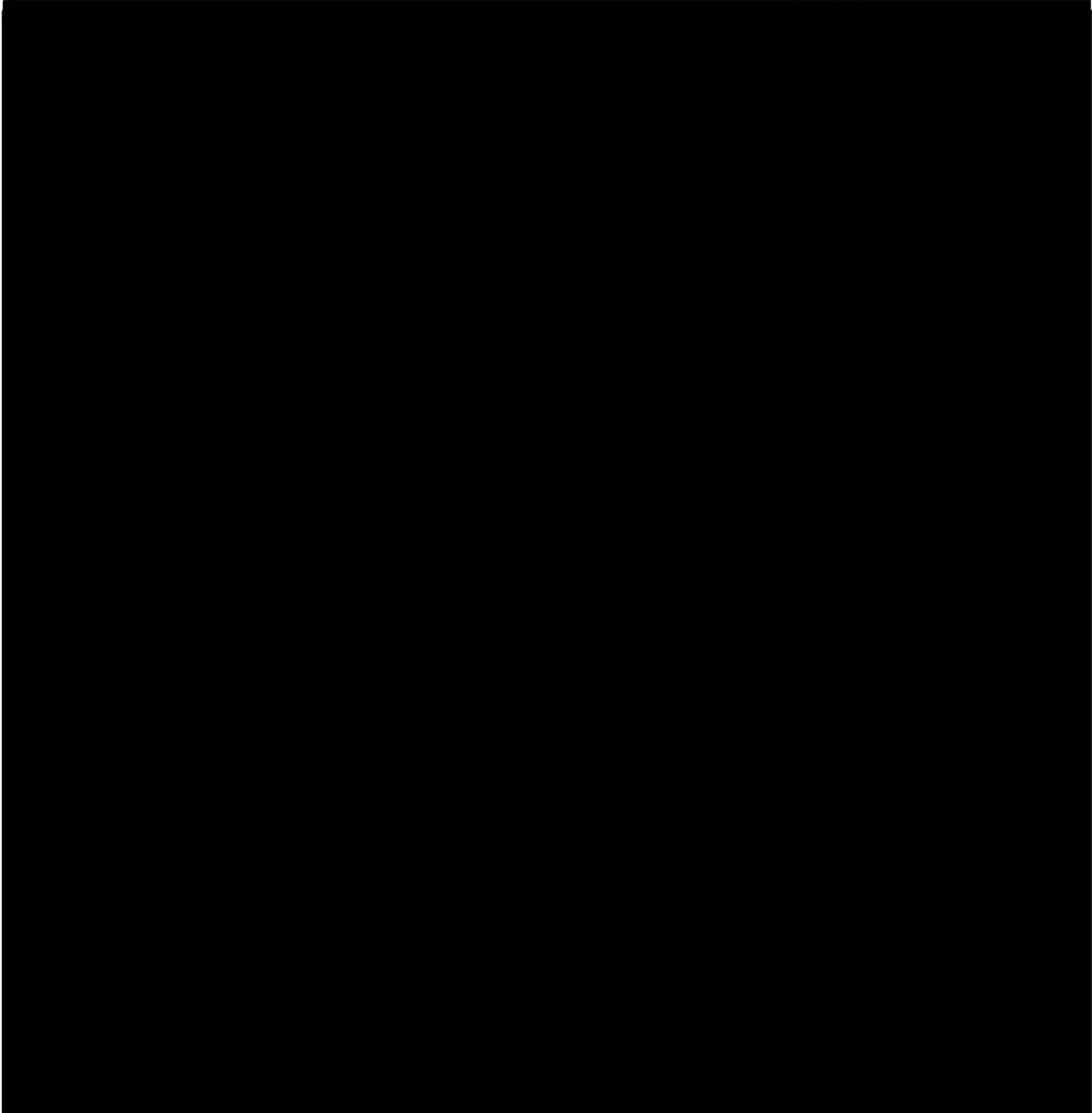
Dear Sir,

Further to our previous correspondence I note a renewed application has been submitted by Mr. A. Teper for a licence for premises at Turner Court.

As referred to previously these include a degeneration of the appearance and the environment of the building (The Garden Court).

This covers items such as graffiti which has been here for months and builders rubble and waste left standing since November last year and only cleared this last week.

Because of his degeneration de predominantly vertical problem of youths congregating late at night especially but not only on weekends to use de alleyway for drinking, urinating, vomiting, leaving waste litter etc. has increased.



With summer approaching the change of usage to licensed premises would reasonably imply an increase in noise in the evening and late at night. Why the necessity to apply for such extremely late hours?

How is the manager of the premises to dispose of the waste caused by bottles cans etc? Where is this to be stored prior to collection? Will deliveries be to front or rear of the building? All of these issues affect us neighbours.

Debris continues to accrue adjacent to the building in the gap between the alley path and the building. Although the owner and the builders have been on site 5 days a week no one has bothered to clear this so environmentally this leads to the issue of rodent infestation which increased last year after change of use, and was very aggressive.

These are my main objections to the granting of this application.
I
I
I
I
I

Yours faithfully

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 23 February 2012 10:55
To: Licensing
Cc: Poole, Ady
Subject: Yamz Tapas Bar, Ledbury - premises licence application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a new premises licence application for a premises to be known as **Yamz Tapas Bar, Turner Court, The Homend, Ledbury**

The application is for the licensable activities of the sale of alcohol, late night refreshment and regulated entertainment. The premises is to be run as a restaurant.

West Mercia Police have no objections to this application, but would seek to address the licensing objectives through the following representations. These are proportionate, necessary, achievable and enforceable.

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.

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) any faults in the CCTV system or searching equipment or scanning equipment

(f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service

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 new staff shall be trained within one month of taking up employment. All staff shall be re-trained 12 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.

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.

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).

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

Regards

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmerciam.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

From: Corfield, Richard
Sent: 16 March 2012 11:30
To: Licensing
Subject: RCO00190

MEMORANDUM

To : LICENSING OFFICER
 From : Richard Corfield
 Tel : 01432 261666 My Ref : RCO/100019
 Date : 14 March 2012 Your Ref :

**LICENSING ACT 2003
 APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
 YAMZ TAPAS BAR**

Having assessed the application I have no representation to make on the above application on this occasion.

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER - -	NONE
PUBLIC SAFETY - -	NONE
PREVENTION OF PUBLIC NUISANCE - -	NONE
PROTECTION OF CHILDREN FROM HARM - -	NONE

REFERENCES

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

**RICHARD CORFIELD
 ENVIRONMENTAL HEALTH OFFICER
 HEREFORDSHIRE COUNCIL**

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 APRIL 2012
TITLE OF REPORT:	REVIEW OF PREMISES LICENCE: SOMERFIELD, DISHLEY STREET, LEOMINSTER, HR6 8PX. – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICES

CLASSIFICATION: Open

Wards Affected

Leominster

Purpose

To consider an application for a review of the premises licence relating to 'Somerfield, Dishley Street, Leominster, HR6 8PX' called by Herefordshire Council Trading Standards.

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

- 3rd Review of Premises Licence
- Called following a further underage sale.
- Two representations received from a responsible authority.

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

Options

1 Take no action or

Take any of the following steps: -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Herefordshire Council – Trading Standards	
Premise Licence Holder	Somerfield Stores Ltd T/A Co-operative Group Food Ltd Somerfield House, Whitchurch Lane, Bristol, BS14 0TJ	
Solicitor	N/K	
Type of application: Review	Date received: 27/02/12	28 Days consultation 26/03/12

4 Current Licence

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

Supply/Sale of Alcohol

Monday – Sunday from 06:00 until 23:00

5 **Previous Review**

This is the third review of the premises licence.

On 28th December 2007, Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.

A 16 year old was served alcohol with out being challenged concerning her age.

The person who made the sale was issued with a fixed penalty notice.

On 20th August 2008, Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.

A 16 year old female was served alcohol with out being challenged concerning her age.

The person who made the sale was issued with a fixed penalty notice.

The premise licence was reviewed as a direct result of these sales, and on the 4th November 2008, the licence was suspended for a period of 24 hours and the following conditions were added to the licence.

1. The use of Challenge 25 was made a condition of all sales made on the premise.
2. All staff engaged in the selling of alcohol be trained in alcohol awareness in strict accordance with the training regime annexed to the letter from Blake Laphorn dated 7 October 2008.

On the 20th December 2008, Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.

A 16 year old was served with alcohol with out being challenged concerning her age.

The person who made the sale was issued with a fixed penalty notice.

On the 13th March 2009 the licence was again reviewed before this committee and the following additional condition were imposed on the licence:-

- A personal licence holder must be on the premises at all times it operates for the sale of alcohol.

6 **Summary of Application**

The application for review relates to the following licensing objectives: -

- Prevention of Crime & Disorder
- Protection of Children from harm

7 **The grounds for the review are: -**

The premise is one of a national chain of food stores which is situated in the centre of Leominster.

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

The premise has been the subject of a test purchase operation which it failed.The

premises is a general store situated on the outskirts of Hereford.

8 The information provided to support this application is: -

During the evening of Saturday 25th February Herefordshire Council trading standards department and the West Mercia Constabulary carried out a test purchase operation at the premise.

Two(2) males aged 15 years and 14 years were served alcohol (4 cans of Strongbow cider) without being challenged concerning their age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

This is the third failure at the premises and following previous failures the premises licence was reviewed on 4th November 2008 and 13th March 2009.

9 Further Information

At the time of the test purchase a Personal Licence holder was on site as required. The training records of the member of staff who sold were requested. The personal licence holder was unable to show the officer at the time any training records and had to telephone the manager who came to the store. She was unable to access these without making a further telephone call. Once access was obtained to the computerised records all that could be confirmed was that the member of staff was currently trained. No details of the training could be provided.

Although the officer went back to the store 3 days later to view the training records again no details of the training package provided could be given.

Since the previous reviews the premises is now operated by the Co-operative Group. It should be noted that the premises trades as the Co-operative yet the premises licence remains in the name of Somerfield.

It is also clear that Condition 2 imposed by this committee on 4th November 2008 was not and could not be complied with as Blake Laphorn have no connection with the Co-op.

10 Summary of Representations

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

Both the police and Trading Standards have made representation. Trading standards have asked for a number of conditions to be attached to the licence, whereas the Police seek revocation.

Key Considerations

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

Guidance issued under Section 182 of the Licensing Act 2003 in respect of Reviews states at paragraph: -

- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- **for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;**
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. **Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.** We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

Community Impact

12 It is felt that any decision made will have a minimal impact on the Community.

Legal Implications

13 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

14 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

15 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

16 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

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

Legal Implications

- 15 Schedule 5 Section 8(2) gives a right of appeal to: -
- a) the applicant for the review,
 - b) the holder of the premises licence, or
 - c) any person who made relevant representation in relation to the application.
- 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

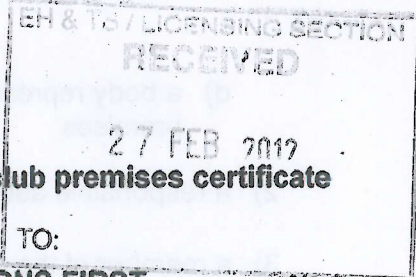
- 17 Responsible authorities and persons living or with a business interest within the vicinity of the premises.
- 18 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 19 The notice of review was displayed on the premises prior to the start of the consultation period and was displayed for 28 days. In addition the notice was also displayed at the offices of the Licensing Unit at Bath Street, Hereford over the same period.

Appendices

- 20
- a. Application Form for Review
 - b. Police Representation
 - c. Trading Standard Representation

Background Papers

Background papers are available for inspection in the Assembly Hall, Town Hall, Hereford, 30 minutes before the start of the hearing.



**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

We Herefordshire Council Trading Standards

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Somersfields Dishley Street	
Post town Leominster	Post code (if known) HR6 8PX

Name of premises licence holder or club holding club premises certificate (if known)
Somerfield Stores Ltd

Number of premises licence or club premises certificate (if known)
PR00287

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Leah Wilson Herefordshire Council Trading Standards Council Offices Bath Street Hereford
Telephone number (if any) 01432 260011
E-mail address (optional)

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

The premises is one of a national chain of food stores which is situated in the centre of Leominster.

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

The premise has been the subject the subject of a test purchase operation which it failed.

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

During the evening of Saturday 25th February Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.

Two(2) males aged 15 years and 14 years were served alcohol (4 cans of Strongbow) without being challenged concerning their age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

This is the third failure at the premises and following previous failures the premises licence was reviewed on 4th November 2008 and 13th March 2009.

Please tick yes

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

If yes please state the date of that application


Day Month Year		

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

IT IS AN OFFENCE UNDER SECTION 17(1) OF THE LOCAL GOVERNMENT ACT 2002 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 2 - Signatures (please read guidance note 2)

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

Signature: 

Date: 27th February 2012

Capacity: Trading Standards Officer

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

Post Code: _____

Telephone number (if any): _____

Post address (optional): _____

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature 

Date 27th February 2012

Capacity Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]

Sent: 08 March 2012 10:45

To: Licensing

Cc: Semper,Nick; Poole, Ady; Spriggs, Fred; Hough, David

Subject: Somerfield (Co Op) Supermarket, Dishley Street, Leominster - review application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a review application dated 27/02/12, concerning a premises known as **Somerfield (Co Op) Supermarket, Dishley Street, Leominster**.

This review application has come about as a result of joint Herefordshire Council Trading Standards, Licensing Authority and West Mercia Police operation concerning under age sales of alcohol. The review application has been submitted in the name of Herefordshire Council Trading Standards.

West Mercia Police support this application. The sale of alcohol to under age persons is a criminal offence and impacts on society and public services through, crime and disorder, increase in public nuisance and undermining the safety and wellbeing of young persons. This premises has been subject to two previous review applications as a result of a number under age sales.

28/12/2007 - underage sale to a 15 year old female
20/08/2008 - underage sale to a 16 year old female
16/12/2008 - underage sale to a 16 year old female.

As a result of these reviews (in 2008 and 2009) the premises has been subject to further visits in order to 'test' the age verification processes that the store applies to the sale of alcohol.

West Mercia Police are of the view that as a result of this recent test purchase failure, the premises licence holder is failing to comply with the law and the conditions of their licence despite the previous history of the premises.

West Mercia Police are of the view that the premises licence for this location should be revoked. If however this request is not granted by any Regulatory Licensing Committee, West Mercia reserve their position to make further submissions relevant to this premises in order to address the current conditions on the premises licence.

Regards,

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesteralicensing@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

Clarke, Ricky

From: Spriggs, Fred
Sent: 02 April 2012 15:28
To: Clarke, Ricky
Subject: FW: Under Age sale and licence review at Coop Leominster

TS Rep Somerfield

From: Hough, David
Sent: 20 March 2012 14:20
To: Craig Jones
Cc: andrew.leaper@co-operative.coop; robert.oade@co-operative.coop; Mooney,James; Spriggs, Fred
Subject: Under Age sale and licence review at Coop Leominster

Craig,

Further to our meeting on 15th March 2012, I have been in discussion with Jim Mooney the Police Licensing Officer and Fred Spriggs Herefordshire Licensing Officer. As explained the Police, Trading Standards and the Licensing Team work in partnership to tackle the issue of under age sales of alcohol. After careful consideration we will not withdraw the licence review as the police wish to make their representations regarding this matter. Trading Standards would still welcome a minor variation application in regard to this matter before the review hearing.

Below are conditions which would be acceptable to the Trading Standards Service which could form part of the minor variation.

- 1) All staff will attain the BIIAB level 1 in Responsible Alcohol Retailing within three months of the condition appearing on licence or commencing employment. A copy of the certificate 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) All staff to be trained on age restricted products to the company policy and procedures as agreed with Herefordshire Trading Standards. Training is to be carried out within one month of this condition appearing on the licence. Retaining shall take place every three months for the following twelve months then twice yearly thereafter. Records of Training shall be kept centrally with details of when trained available at 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.
- 3) A member of the Store Management will review the Age Restricted Sales process on a weekly basis, checking the age verification data of each member of staff, taking appropriate action where necessary. Hard copy records must be kept on the premise for a minimum of 13 weeks 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.
- 4) 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 counter advertising the scheme operated.
- 5) Either a written register of refusals detailing a description of the people who have been unable to provide required Identification to prove their age, or an electronic register detailing the perceived age, challenges made, and identification accepted or not accepted. 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.

6) All sales of alcohol must be agreed by another member of staff who is trained to the minimum level of BIIAB Level 1 in Responsible Alcohol retailing. Records of this must be kept in written records or in electronic form.

I suggest if you go down the minor variation route then you need to state which of the old conditions you wish to be removed.

Regards

David

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. dhough@herefordshire.gov.uk
GCSX. dhough@herefordshire.gcsx.gov.uk

Council's Homepage www.herefordshire.gov.uk

This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If an attachment is included we cannot accept any liability for any loss or damage sustained as a result of software viruses. It is your responsibility to carry out such virus checking as is necessary before opening any attachment.

If you have received this e-mail in error, please notify the IT Service Helpdesk at the Herefordshire Council, telephone 01432 260160.

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

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	16 APRIL 2012
TITLE OF REPORT:	REVIEW OF PREMISES LICENCE: ETNAM NEWS, 35 ETNAM STREET, LEOMINSTER, HR6 8AE. – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING

CLASSIFICATION: Open

Wards Affected

Leominster

Purpose

To consider an application for a review of the premises licence relating to 'Etnam News, 35 Etnam Street, Leominster, HR6 8AE' called by Herefordshire Council Trading Standards.

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

- 1st Review of Premises Licence
- Called following a failed underage sale.
- 2nd underage sale occurred after review launched.
- Two representations received from a responsible authority.

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

Options

1 Take no action or

Take any of the following steps: -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Herefordshire Council – Trading Standards	
Premise Licence Holder	Josie Harrison and Jonathan Keaveney Etnam News, Flat, 35 Etnam Street, Leominster, HR6 8AE	
Solicitor	N/A	
Type of application: Review	Date received: 27/02/12	28 Days consultation 26/03/12

4 Current Licence

The current licence which was first issued on 29th April 2010 authorises the following licensable activities during the hours shown: -

Supply/Sale of Alcohol

Monday – Sunday from 06:30 until 22:30

5 **Summary of Application**

The application for review relates to the following licensing objectives: -

- Prevention of Crime & Disorder
- Protection of Children from harm

6 **The grounds for the review are: -**

The premises is a newsagent situated on the edge of Leominster Town.

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

7 **The information provided to support this application is: -**

During the evening of Saturday 25th February Herefordshire Council trading standards department and the West Mercia Constabulary carried out a test purchase operation at the premise.

Two(2) males aged 15 years and 14 years were served alcohol (4 cans of Carling Lager) without being challenged concerning their age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

8 **Further Information**

A further incident connected with the premises occurred on the 29 February 2012 which was dealt with by West Mercia Police.

On this occasion it is alleged that a further underage sale of alcohol and tobacco took place at the premises which was to a 14 year old female. This was recorded on the shops CCTV system.

9 **Summary of Representations**

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

Both the police and Trading Standards have made representation. In both case both are asking for revocation of the licence, although Trading Standards have a fall back position should the committee decline this and if this was the case ask for certain conditions to be imposed.

Key Considerations

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

Guidance issued under Section 182 of the Licensing Act 2003 in respect of Reviews states at paragraph: -

- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- **for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;**
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. **Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.** We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

Community Impact

11 It is felt that any decision made will have a minimal impact on the Community.

Legal Implications

12 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

13 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

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.

Legal Implications

- 16 Schedule 5 Section 8(2) gives a right of appeal to: -
- a) the applicant for the review,
 - b) the holder of the premises licence, or
 - c) any person who made relevant representation in relation to the application.
- 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 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 review was displayed on the premises prior to the start of the consultation period and was displayed for 28 days. In addition the notice was also displayed at the offices of the Licensing Unit at Bath Street, Hereford over the same period.

Appendices

- 21
- a. Application Form for Review
 - b. Police Representation
 - c. Trading Standard Representation

Background Papers

Background papers are available for inspection in the Assembly Hall, Town Hall, Hereford, 30 minutes before the start of the hearing.

EN & LS / LICENSING SECTION
RECEIVED
27 FEB 2012
TO:

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Herefordshire Council Trading Standards

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Etnam News 35 Etnam Street	
Post town Leominster	Post code (if known) HR6 8AE
Name of premises licence holder or club holding club premises certificate (if known)	
Josie Harrison & Jonathan Meaveney	
Number of premises licence or club premises certificate (if known)	
PR01418	

Part 2 - Applicant details

I am

Please tick yes

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

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname **First names**

I am 18 years old or over **Please tick yes**

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address	<input style="width: 100%; height: 100%;" type="text"/>
Telephone number (if any)	<input style="width: 100%; height: 30px;" type="text"/>
E-mail address (optional)	<input style="width: 100%; height: 30px;" type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Leah Wilson Herefordshire Council Trading Standards Council Offices Bath Street Hereford
Telephone number (if any) 01432 260011
E-mail address (optional)

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

The premises is a newsagent situated on the edge of Leominster Town.

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

The premise has been the subject the subject of a test purchase operation which it failed.

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

During the evening of Saturday 25th February Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.

Two(2) males aged 15 years and 14 years were served alcohol (4 cans of Carling) without being challenged concerning their age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature 

Date 27th February 2012

Capacity Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Clarke, Ricky

From: Spriggs, Fred
Sent: 02 April 2012 15:29
To: Clarke, Ricky
Subject: FW: Etnam News, Leominster - review application

Importance: High

From: Mooney, James [<mailto:james.mooney@westmercia.pnn.police.uk>]
Sent: 26 March 2012 10:53
To: Licensing; Spriggs, Fred; Hough, David
Cc: Semper, Nick
Subject: Etnam News, Leominster - review application
Importance: High

NOT PROTECTIVELY MARKED

You will be aware of the review application submitted by Herefordshire Council Trading Standards with regards to a premises known as **Etnam News, Leominster**. This review having come about as a result of a 'test purchase operation and failure' on the 25 February 2012.

On the 28 February, West Mercia Police submitted representations for this review application.

As a result of an incident connected with the premises on the 29 February 2012, West Mercia Police wish to **WITHDRAW** the representations submitted on the 28 February 2012 and now request that the premises licence should be revoked..

The incident on the 29 February 2012, concerned a further underage sale of alcohol at the premises and also a sale of tobacco to the same person who is under the age of 16 years. The sale occurred at about 4.20pm on this date and is recorded on the shops CCTV system. The sale shown is to a female aged 14 years and shows a shop assistant selling two large bottles of cider from behind the counter. Additionally it shows the sale of tobacco products to the same person. There are no checks made by the sales assistant with regards to the age of the person making the purchases.

About an hour later the same young female with others were involved in disorder in a public play area in Leominster. During this prolonged incident, the cider that was purchased is seen to be consumed and used to pour over another female who is subject to a sustained assault and episodes of bullying by at least two females. This incident is recorded on mobile phones and is subject to a police criminal investigation.

Etnam News have failed to promote the licensing objectives - in particular that of the protection of children from harm - the second sale has occurred despite a test purchase failure 4 days earlier resulting in the designated premises supervisor being reported for prosecution and both premises licence holders being made aware of their legal responsibilities. It is the view of West Mercia Police that the holders of the premises licence have a total disregard to licensing law and their legal obligations.

West Mercia Police are now of the view that the premises licence for Etnam News should be revoked.

Additional information in the form of CCTV evidence and statements will be submitted prior to any hearing held.

Regards.

Jim Mooney

Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@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

Clarke, Ricky

From: Spriggs, Fred
Sent: 02 April 2012 15:29
To: Clarke, Ricky
Subject: FW: Representations regarding Etnam News

From: Hough, David
Sent: 26 March 2012 11:31
To: Licensing
Cc: Mooney,James; Spriggs, Fred
Subject: Representations regarding Etnam News

Further to the review application on 27th February 2012 Trading Standards submit the following representations to be considered by the committee.

On 25th February 2012 a sale of alcohol to a fifteen year old male was made by the Designated Premise Supervisor and Part Owner of the business.

The Seller holds a personal licence did not challenge the purchaser for any identification to ascertain the persons age. The premise at the time did not have any age verification policy in place and was not operating any challenge policy to determine the age of the purchaser to avoid sales of alcohol to persons under the age of eighteen.

On looking at our records no Under Age Sales attempt visits have been made to this premise since this premise has had a premise licence.

In respect to Sales of age restricted products such as alcohol we work in partnership with West Mercia Police in tackling this issue. In the light of this and subsequent issues Trading Standards will not oppose the representations from the police in regard to revocation of a licence but would like to make representations to the committee that if they felt that revocation was not the appropriate route to take then the following conditions should be considered

- 1) That the Current Designated Premise Supervisor is retrained and requalify for the BIIAB Level 2.
- 2) That the current Designated Premise Supervisor is removed and replaced
- 3) 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 agreed 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). With retraining every 6 months. 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
- 4) 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.
- 5) 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 the counter where the scheme operated.

Regards

David Hough

David Hough
Principal Trading Standards Officer
Environmental Health and Trading Standards
Herefordshire Council
PO Box 233
Hereford
HR1 1ZF
Tel No. 01432 260011
Email. dhough@herefordshire.gov.uk
GCSX. dhough@herefordshire.gcsx.gov.uk