

AGENDA

Regulatory Sub Committee

Date: **Tuesday 18 September 2012**

Time: **10.00 am**

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

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

For any further information please contact:

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor JW Hope MBE
Councillor Brig P Jones CBE
Councillor GA Powell**

AGENDA

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<p>2. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>3. NAMED SUBSTITUTES (IF ANY)</p> <p style="padding-left: 20px;">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</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
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HEREFORDSHIRE COUNCIL

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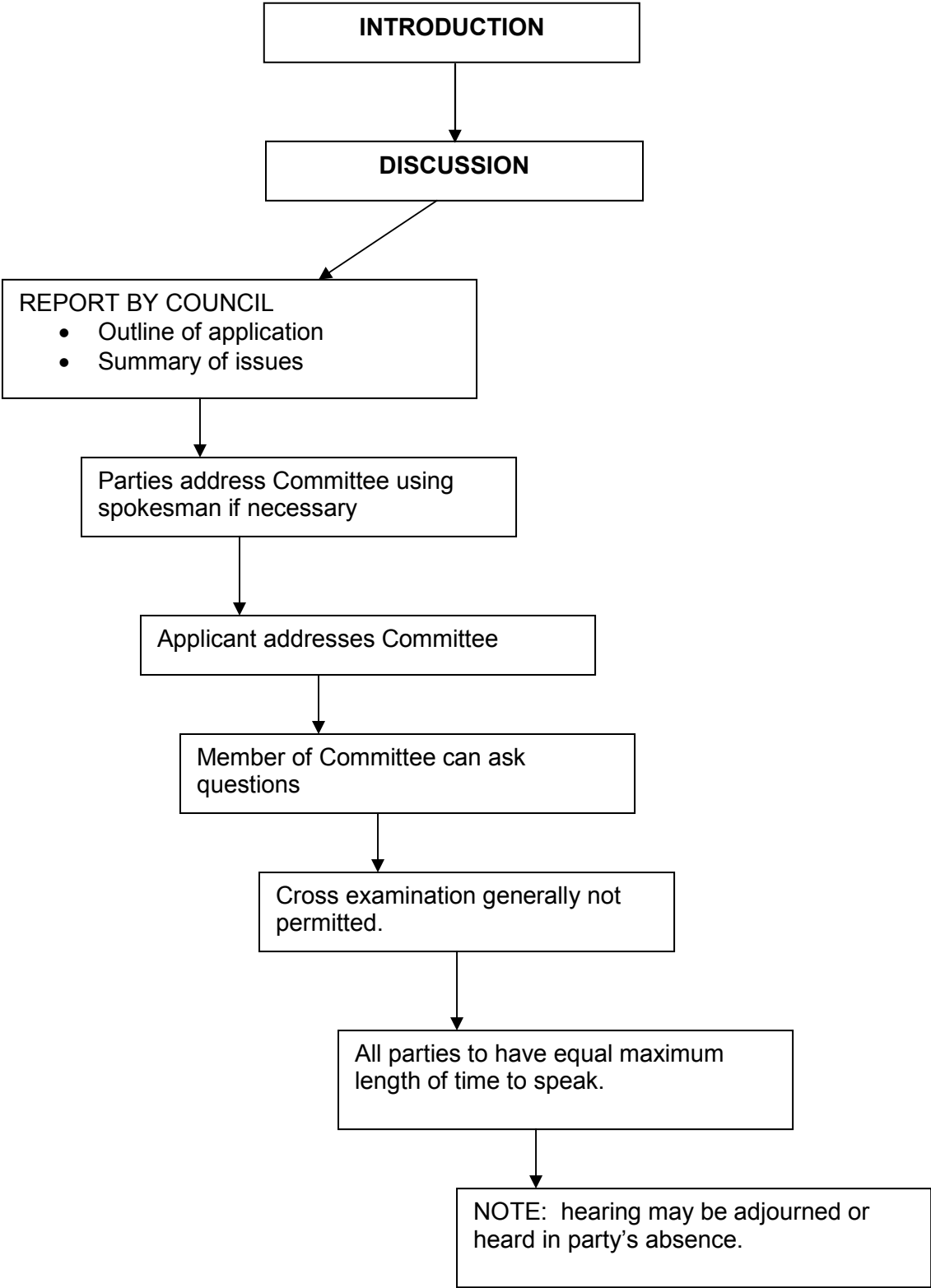
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	18 SEPTEMBER 2012
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH SB1A (PART) IN THE PARISH OF STANFORD BISHOP
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Frome

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath SB1A in the parish of Stanford Bishop.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D418/351-1A

Key Points Summary

- An application to divert the footpath SB1A was received on 17th of January 2012.
- The applicant carried out pre-order consultation.
- There were objections from the Open Spaces Society and the Byways and Bridleways Trust.
- The neighbouring landowner agrees to the proposals
- The landowner has agreed to maintain the bridge on the proposed route.

Alternative Options

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

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

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

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy.

Introduction and Background

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

Key Considerations

- 4 Mr Paul Davies, who is the landowner, made the application on the 17th of January 2012. The reasons given for making the application were 'privacy, security and safety of wildlife'.
- 5 The applicant has carried out all pre-order consultation. The proposal has general agreement, apart from a number of objections raised by the Byways and Bridleways trust. The adjoining landowner Mr A J Hamilton, whose property is also affected by the application, has agreed in writing to the proposals.
- 6 The Open Spaces Society representative has objected as, in his opinion, the views from the proposed route are not as attractive as the views from the existing route. He also noted that the proposed route appeared to have been in 'extensive' use by horses.
- 7 The landowner has stated that he has only given permission to his neighbour to ride along the proposed route, which would account for the evidence of equestrian use.
- 8 It is the opinion of the officer, that although the views from the existing route are pleasant, the views from the proposed route are also attractive. There are still good views of the house and ponds from the proposed route and the proposed route also has views of the surrounding hills and has more of a 'countryside' feel as opposed to the existing route which passes very close to The Hyde and across a mown lawn and thus has more of an 'urban' feel.
- 9 The Byways and Bridleways Trust representative further stated that he believed the existing route to have higher rights. However no evidence has been provided which would indicate that the route has higher rights and nor has preliminary research carried out by the Modifications Officer revealed such evidence. The applicant understands that he may succeed in diverting the footpath, but, if further evidence is submitted to the Authority that higher rights do exist, these would not be diverted and would remain *in situ*. The Byways and Bridleways Trust representative went on the state that he wished for a diversion which retained public enjoyment of the wildlife. It is the view of the officer that there is very little difference in this respect between the current and proposed routes.
- 10 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The neighbouring landowner, Mr Hamilton has agreed to waive any right to compensation which may result as a consequence of the making of the order as proposed.
- 11 The local member, Cllr. P M Morgan has no objections to the proposals.

- 12 The proposed diversion meets the specified criteria as set out in Council policy and section 119 of the Highways Act 1980 in particular that:
- The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the point of termination of the paths.
 - The proposal is not substantially less convenient to the public.

Community Impact

- 13 Acton Beauchamp Group Parish Council have been consulted and are fully supportive of the proposed diversion.

Financial Implications

- 14 The applicant has agreed to pay for the administration and advertising costs and any works necessary to bring the new route into being and to enter into an agreement for the future maintenance of the bridge should the order be confirmed.

Legal Implications

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

Risk Management

- 16 There is a risk that if a diversion is made as proposed, then an objection may be received which would necessitate a referral to the Planning Inspectorate. This could result in a public inquiry which would increase demands on officer time and resources.

Consultees

17

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. P M Morgan
- Acton Beauchamp Group Parish Council.
- Statutory Undertakers.

Appendices

- 18 Order Plan, drawing number: D418/351-1A and Order and Schedule.

Background Papers

- None identified.

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980, SECTION 119

**HEREFORDSHIRE COUNCIL
FOOTPATH SB1A (PART) STANFORD BISHOP
PUBLIC PATH DIVERSION ORDER 2012**

This Order is made by the County of Herefordshire District Council (known as "Herefordshire Council") under section 119 of the Highways Act 1980 because it appears to Herefordshire Council that in the interests of the owner and occupier of the land crossed by the footpath described in Part 1 of the Schedule to this order it is expedient that part of the line of the path should be diverted.

Mr Paul Davies, the said owner, has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and to pay any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situated at The Hyde Farm in the Parish of Stanford Bishop and shown by a bold continuous line on the plan contained in this order and described in Part 1 of the said Schedule shall be stopped up in accordance with the provisions of Article 3 below.
2. There shall be created to the reasonable satisfaction of Herefordshire Council and in accordance with Article 3 below an alternative public footpath over the land situated at The Hyde Farm in the Parish of Stanford Bishop described in Part 2 of the Schedule hereto and shown by a bold broken line on the said plan.
3. The said diversion of the footpath shall have effect on the date Herefordshire Council certifies that the terms of Article 2 and 4 herein have been satisfied.
4. The following works shall be carried out in relation to the new highway described in Part 2 of the Schedule hereto.
 - Waymarking as appropriate
5. Where immediately before the date on which the said footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of their undertakings, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
6. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule hereto.

Dated 2012

THE COMMON SEAL of the County of)
Herefordshire District Council was affixed)
BY ORDER)

Authorised Officer

SCHEDULE

PART 1

Description of Site of Existing Path or Way

The existing route of footpath SB1A commences at OS Grid Reference SO 6683, 5211 (point A on the order plan) and continues in a generally westerly direction along a well-defined driveway to The Hyde Farm and then in a generally south-south-westerly direction for approximately 126 metres to OS grid reference SO 6672, 5210 (point B on the order plan) where it crosses a bridge and continues in a generally south-south-westerly direction for approximately 68 metres to a pedestrian gate at OS grid reference SO 6669, 5204 (point C on the order plan).

The total length of the existing said footpath is approximately 194 metres.

PART 2

Description of Site of New Path or Way

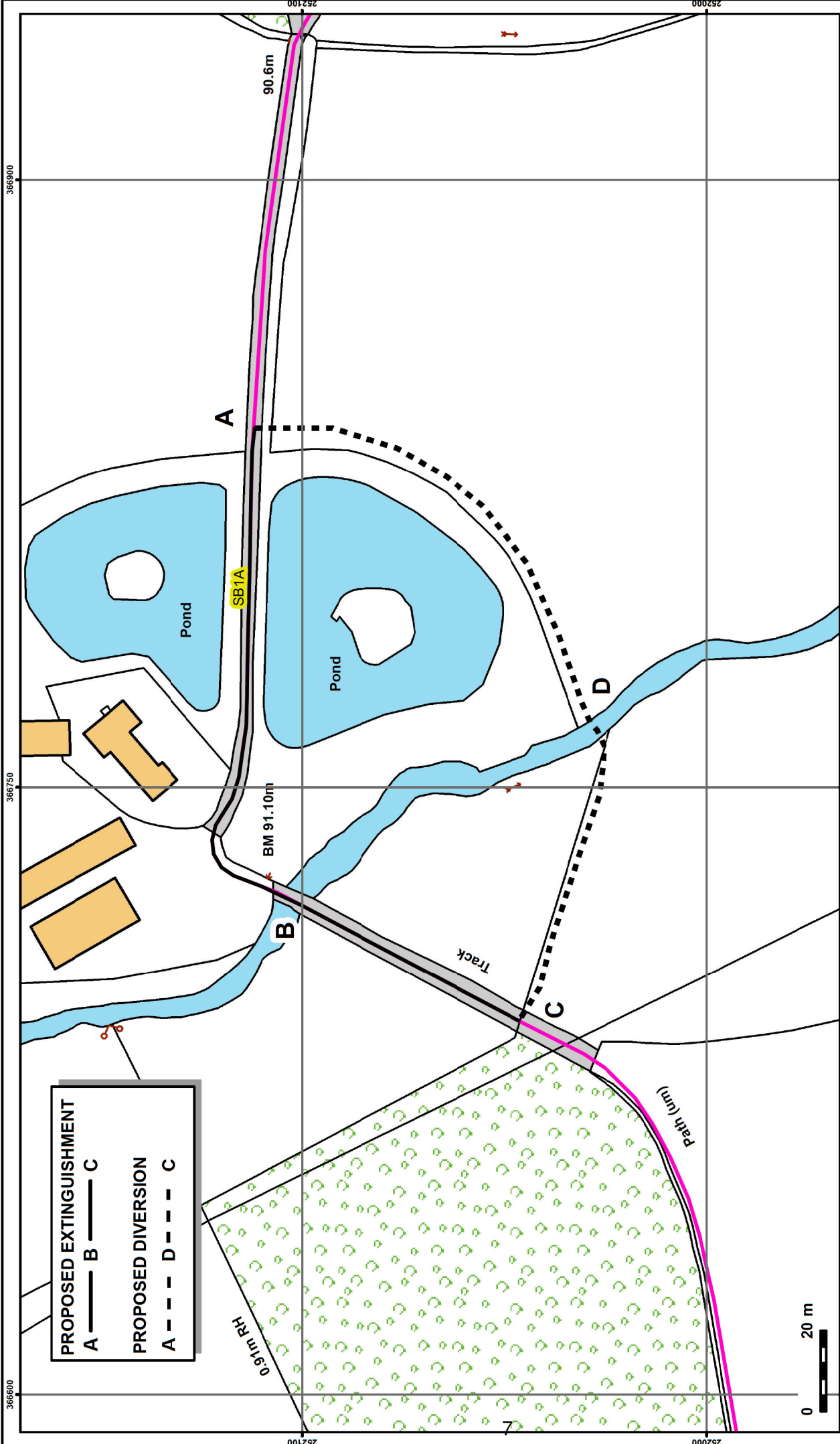
The proposed new route of footpath SB1A being 2 metres in width commences at OS grid reference SO 6683, 5211 (point A on the order plan) and travels in a generally south-westerly direction around the headland of a field for approximately 121 metres to OS grid reference SO 6676, 5202 (point D on the order plan) where it passes across a bridge and then continues in a generally west-north-westerly direction for approximately 79 metres to OS grid reference SO 6669, 5204 (point C on the order plan).

The total length of the said proposed new footpath is approximately 200 metres.

PART 3

Limitations and Conditions

Position on Path to which Limitations and Conditions apply	Limitations and Conditions
None	None



PROPOSED EXTINGUISHMENT
 A ——— B ——— C
PROPOSED DIVERSION
 A - - - - D - - - - C

HIGHWAYS ACT 1980, SECTION 119
HEREFORDSHIRE COUNCIL FOOTPATH SB1A(PART)
PARISH OF STANFORD BISHOP
PUBLIC PATH DIVERSION ORDER 2012

DWG No.: D418/351-1A
SCALE 1:1,250 @ A4



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MEETING:	REGULATORY SUB COMMITTEE
DATE:	18 SEPTEMBER 2012
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 118. PROPOSED PUBLIC PATH EXTINGUISHMENT ORDER FOOTPATH CW24A (PART) IN THE PARISH OF COLWALL.
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Hope End

Purpose

To consider an application under the Highways Act 1980, Section 118, to make a public path extinguishment order to extinguish part of the width of footpath CW24(A) in the parish of Colwall.

Key Decision

This is not a Key Decision.

Recommendation

THAT a public path extinguishment order is made under section 118 of the Highways Act 1980, as illustrated under drawing number D422/95-24A(iv).

Key Points Summary

- Footpath CW24A follows the route of an old County road which was closed by court order in 1923. The footpath rights along it were retained but they occupy the full width of the original road, up to 10m in places.
- It is proposed that most of the width of the path be extinguished but leave sufficient width for public use (minimum of 2 metres).
- The width of the path to be extinguished includes that where an outbuilding is partly obstructing the path.
- Pre-order consultations have been carried out and the majority of consultees have no objections to the application.

Alternative Options

- 1 Under section 118 of the Highways Act 1980, the Council has the power to make extinguishment orders; it does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However, as the proposal allows for unobstructed access and has general support, this could be considered to be unreasonable.

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in section 118 of the Highways Act 1980. Whilst extinguishments are not generally consistent with Herefordshire Council's Public Path Order Policy, in these particular circumstances it is felt that there is no significant impact on the Public Rights of Way network..

Introduction and Background

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

Key Considerations

- 4 CW24A follows the course of an old county road. The road was stopped up by a Quarter Sessions order in 1923. The order retained footpath rights along the old road. As no width was specified in the order, the width of the footpath remains the same as the old road, which is up to 10m in places
- 5 At some point a barn / outbuilding was constructed within the original width of the road and the public walked a line in an adjacent paddock to the south of the barn; this walked line would appear to be still within the historical width. Correspondence with the County Surveyor in 1982 appeared to condone the arrangement
- 6 When the situation was brought to the attention of the current Landowner, Mr H Stovold, he was happy to seek a remedy through the proposals outlined in this report.
- 7 It is proposed that part of the width of the footpath be extinguished which would include that occupied by the outbuilding, while leaving the remainder, a minimum of 2 metres in width, available for pedestrian use.
- 8 The owner of the paddock over which the unextinguished part of the footpath will run has raised no objections.
- 9 The owner of the land over where it is proposed to extinguish the footpath has agreed to pay half of the Council's costs including those for advertising and ground works. (This has been agreed with the landowner in consideration of the fact that the then County Council appeared to condone the current situation in correspondence in the 1980s..)
- 10 Pre-order consultation has been carried out and although the proposal has general agreement and support, a representative of the Open Spaces Society has proposed that to compensate for the reduced width available to the public should this order be confirmed, he has asked for changes to be made to existing structures along the entire path (including its continuation west of that included in the order), by providing pedestrian gates to BS5709:2006 at every boundary crossing. It is considered, however, that this would not only be outside the scope of the present order but would also conflict with the landowner's need to control the movement of his

stock.

- 11 The Local Member, Councillor Attwood, has been consulted and supports the application.
- 12 The proposed extinguishment meets the specified criteria set out in section 118 of the Highways Act 1980, and in particular that it would be expedient on the grounds that some of the existing width of the footpath is not needed for public use.

Community Impact

- 13 The Parish Council and user group representatives have been consulted as part of the process and the proposal has general agreement and support . Councillor Attwood has been consulted and is in support of the proposal.

Financial Implications

- 14 The landowner has agreed to pay 50% of the Council's costs including those for administration, advertising, and the cost of bringing the path into operation on the ground.

Legal Implications

- 15 Under section 118 of the Highways Act 1980 the Council has the power to make an extinguishment order but does not have a duty to do so.

Risk Management

- 16 Should an order be made to extinguish part of the width of footpath CW24A, as recommended in this report, there is a risk that the order will receive objections and would then require referral to the Secretary of State which would increase the demand on officer time and resources. However, extensive informal consultations have been carried out to minimise the risk of such objections.

Equality Implications

- 17 The proposal allows sufficient width along the path for pedestrian use; there is a kissing gate at both ends which will improve accessibility for the public. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

Consultees

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

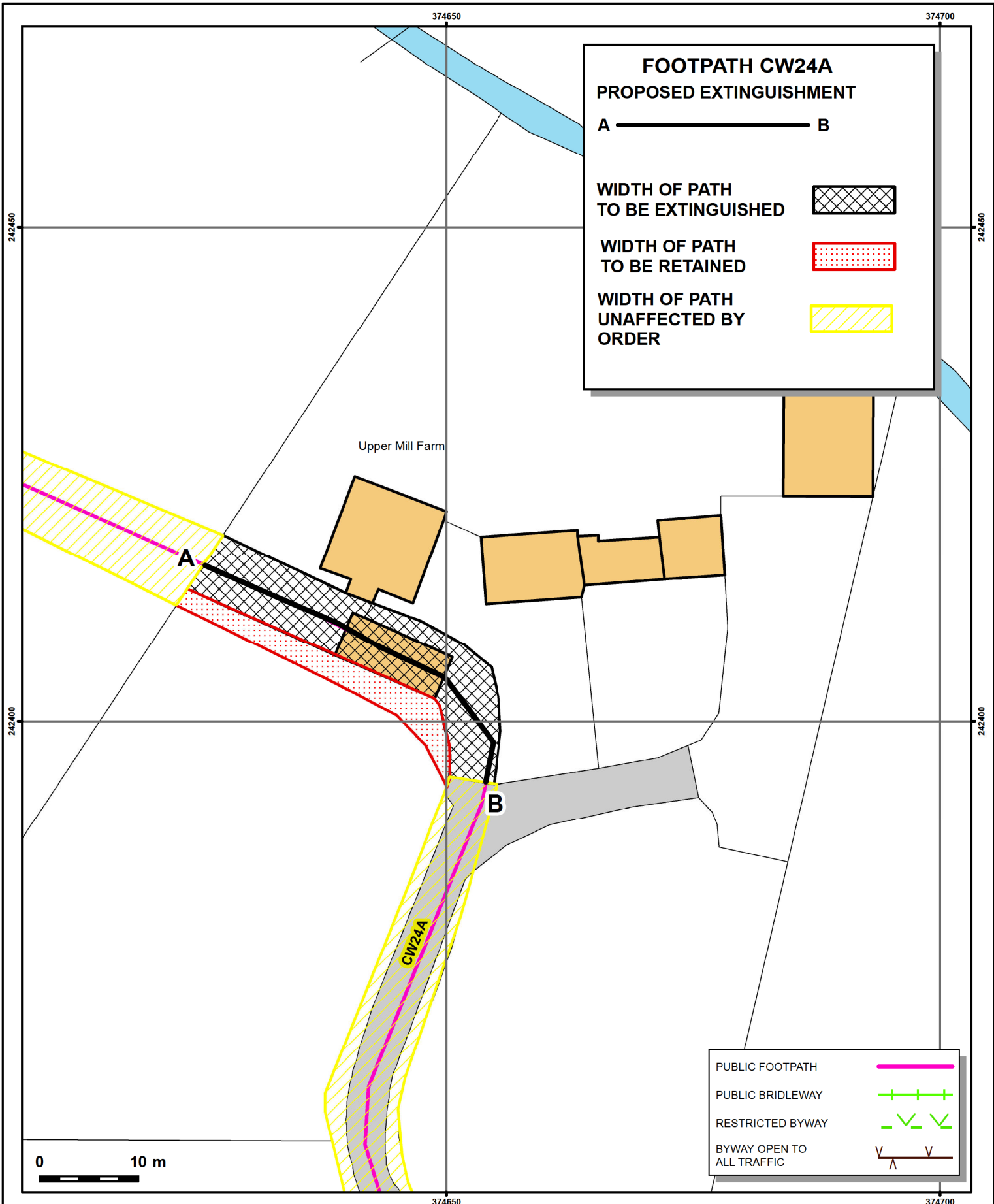
Local Member CNH Attwood.
Colwall Parish Council.

Appendices

- 19 Order and order plan D422/95-24A(iv).

Background Papers

- None identified.



HIGHWAYS ACT 1980, SECTION 118
HEREFORDSHIRE COUNCIL-PUBLIC FOOTPATH CW24A(PART)
PARISH OF COLWALL
PUBLIC PATH EXTINGUISHMENT ORDER 2012



DWG No.:D422/95-24A(iv)
SCALE 1:500 @ A4

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MEETING:	REGULATORY SUB-COMMITTEE
DATE:	18 SEPTEMBER 2012
TITLE OF REPORT:	REVIEW OF PREMISES LICENCE: GWALIA STORES, 27 -29 BROAD STREET, ROSS ON WYE, HR9 7ED – LICENSING ACT 2003
PORTFOLIO AREA:	PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ross on Wye West

Purpose

To consider an application for a review of the premises licence relating to 'Gwalia Stores, 27 -29 Broad Street, Ross on Wye, HR9 7ED' called by Herefordshire Council as the Licensing Authority.

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

- 3 previous Test Purchase Failures
- Called following a further underage sale.
- Three representations received from a responsible authorities.
- Determination of the application was previously adjourned at the Regulatory Committee meeting on 4 September 2012

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 – Licensing Authority	
Premise Licence Holder	Ramanathan RATHEYAN Gwalia Stores, 27 – 29 Broad Street, Ross on Wye, HR9 7ED.	
Solicitor	N/K	
Type of application: Review	Date received: 18/07/12	28 Days consultation 14/08/12

4 Current Licence

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

Sale by retail of alcohol (off sales):

Monday – Saturday	10:00 – 20:00
Sunday	12:00 – 20:00

5 **Summary of Application**

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

- Prevention of Public Nuisance
- Protection of Children from harm

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

The premises is an independent retail shop situated in Ross on Wye.

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.

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

During the evening of Wednesday 27th June Herefordshire Council trading standards department carried out a test purchase operation at the premise.

A 16 year old male was sold 4 cans of Fosters lager 4.0%

Police records show previous sales of alcohol at the premises on:

13/08/10 - 1920hrs

26/08/08 - 1930hrs

23/12/07 - 1415hrs

The premises licence holder and DPS has remained unchanged since the grant of the licensing 2006.

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

Summary of Representations

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

9 **Responsible Authorities**

Representation have been received from West Mercia Police, Herefordshire Council Trading Standards and the Licensing Authority.

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: -

11.29 There is certain criminal activity that may arise in connection with licensed premises which 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 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 Community Safety Partnership.

The attention of the Committee is drawn to the stated 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: -

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

Community Impact

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

Legal Implications

12 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.

- 13 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

- 14 Responsible authorities and persons living or with a business interest within the vicinity of the premises.
- 15 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.
- 16 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

- 17 a. Application Form for Review
- b. Police Representation
- c. Trading Standards Representation
- d. Licensing Authority Representation

Background Papers

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

**Application for 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 as the Licensing Authority.....

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Gwalia Stores 27-29 Broad Street	
Post town Ross on Wye	Post code (if known) HR9 7ED

Name of premises licence holder or club holding club premises certificate (if known)
Ramanathan RATHEYAN

Number of premises licence or club premises certificate (if known)
PR00096

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

Fred Spriggs
Herefordshire Council as the Licensing Authority
Council Offices
Bath Street
Hereford

Telephone number (if any)

[REDACTED]

E-mail address (optional)

[REDACTED]

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

Please tick one or more boxes

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

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

The premises is an independent retail shop situated in Ross on Wye.

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 Wednesday 27th June Herefordshire Council trading standards department carried out a test purchase operation at the premise.

A 16 year old male was sold 4 cans of Fosters lager 4.0%

Police records show previous sales of alcohol at the premises on:

13/08/10 - 1920hrs

26/08/08 - 1930hrs

23/12/07 - 1415hrs

The premises licence holder and DPS has remained unchanged since the grant of the licensing 2006.

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

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date 17th July 2012

Capacity Licensing Officer

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 24 July 2012 13:39
Subject: Gwalia Stores, 27-29 Broad Street, Ross on Wye - review application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a review application for **Gwalia Stores, Broad Street, Ross on Wye.**

This review application is submitted in the name of Herefordshire Council Licensing Authority and came about as a result of Herefordshire Council Trading Standards operation to check age verification standards with regards to the sale of age restricted goods and in particular the sale of alcohol to young people.

This operation took place on 27 June 2012, and resulted in an underage sale of alcohol to a young person.

This premise has been subject to a number of similar operations in the past. A number of these have resulted in sales of alcohol to underage young people on the following dates -

13/08/2010
26/08/2008
23/12/2007.

The premises licence holder and the specified designated premises supervisor for this shop is Ratheyam Ramanathan. He has been in this position of authority since 2006 and therefore was in place throughout the period when the test purchase failures took place.

It is a fact that the sale of alcohol to young people has a detrimental effect to their health and wellbeing. The need to ensure these sales do not take place is a mandatory condition on all premises licences issued under the Licensing Act 2003. It is the responsibility of licensed premises to actively promote the licensing objectives - and in particular those of the prevention of crime and disorder and the protection of children from harm.

It is the view of West Mercia Police that this premises has failed to comply with the conditions attached to the premises licence and therefore has not promoted the licensing objectives. It is the view of West Mercia Police that due to the history of the premises that the premises licence for this location should be revoked.

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

Representation made by the Local Authority Dated 7 August 2012

I am an officer authorised under the Licensing Act 2003.

I refer to review application which I have submitted in respect of Gwalia Stores, Ross on Wye.

The premises is an independent retailer situated in the centre of Ross on Wye selling general grocery goods and alcohol.

The premises was the subject of a test purchase operation when it served a 16 year old youth without making an challenge.

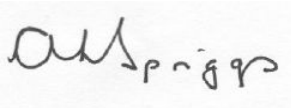
The review was launched on 17th July 2012 and a copy of the application and the notice were served on the premises.

It is therefore disappointing to note that at this time no contact has been made with the Licensing Authority by the premises licence holder Mr Ramanathan RATHEYAN. This is particularly alarming as records clearly indicate that this is the fourth test purchase failure in the past 5 years.

As no contact has been made by the holder of the licence I cannot be satisfied that this person has an intention to promote any of the licensing objectives and through the lack of contact would appear not to be taking the matter seriously. For this reason I request that the Licensing Committee consider **revocation** of the premises licence,

However if the committee were not minded to take this course of action then the very minimum that the Licensing Authority would like done to the licence in order to promote the licensing objectives is as follows:

- 1) Removal of the current designated premise supervisor.
- 2) That a personal licence holder shall be on the premises at all times alcohol is offered for sale.
- 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 1 month of the date that this condition first appears on the licence).Retraining shall take place 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 any counter advertising the scheme operated.



**Fred Spriggs
Licensing Officer**

From: Hough, David
Sent: 07 August 2012 11:58
To: Licensing
Cc: Spriggs, Fred
Subject: Representation regarding Gwalia Stores Ross on Wye.

On 27/6/12 a sale of alcohol was made to a 16 year old child. The seller did not ask for any identification to determine the child's age before selling the alcohol. The store was displaying shelf edge markers showing both Challenge 21 and Challenge 25 policies in use and therefore it was unclear which policy was being used.

Herefordshire Council Trading Standards make the following representation regarding this matter and feel the following conditions and changes are made to the premises licence.

- 1) Removal of the current designated premise supervisor.
- 2) That a personal licence holder shall be on the premises at all times alcohol is offered for sale.
- 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 1 month of the date that this condition first appears on the licence). Retraining shall take place 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 any counter advertising the scheme operated.

Regards

David

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email: dhough@herefordshire.gov.uk
GCSX: dhough@herefordshire.gcsx.gov.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	18 SEPTEMBER 2012
TITLE OF REPORT:	APPLICATION FOR A NEW PREMISES LICENCE 'ROYAL HALL, THE SOUTHEND, LEDBURY, HR8 2EY' – LICENSING ACT 2003
PORTFOLIO AREA:	PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for a new premises licence in respect of 'The Royal Hall, Ledbury, HR8 2EY'.

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

- **Nine (9)** relevant representations from members of the public
- Representations received from **Police, Trading Standards and the Licensing Authority** have been agreed.

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	Miss Donna Louise Heaney & Sheila Heaney The Royal Oak Hotel.	
Representative	Nil	
Type of application: New Application	Date received: 26/07/2012	28 Days consultation 23/08/2012

Licence Application

- 4 The application for a new premises licence has received Public representations and is brought before the committee for determination. Representations received from Responsible Authorities have been agreed.

Summary of Application

- 5 The application requests that the premises be licensed as follows:

Premise open to the public and Supply of Alcohol
All days 11.00 – 02.00

Late Night Refreshment
All days 23.00 – 01.00

Plays, Films, Indoor Sporting Events, Live Music & Anything Similar to Live & Recorded Music (indoors), Recorded Music (Indoors), Performances of Dance
All days 11.00 – 24.00

Non Standard Timings:

Late Night Refreshment

Christmas Eve 11.00 – 01.00

New years eve 11.00 – 01.00

Monday following bank holiday 11.00 – 02.00

Bank holiday Sunday 11.00 – 02.00

Plays, Films, Indoor Sporting Events, Live Music & Anything Similar to Live & Recorded Music (indoors), Recorded Music (Indoors), Performances of Dance

Christmas Eve 11.00 – 01.00

New years eve 11.00 – 01.00

Monday following bank holiday 11.00 – 01.00

Bank holiday Sunday 11.00 – 01.00

Supply of alcohol and hours open to the public

Christmas Eve 11.00 – 02.00

New years eve 11.00 – 02.00

Monday following bank holiday 11.00 – 02.30

Bank holiday Sunday 11.00 – 02.30

Summary of Representations

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

Key Considerations

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

Community Impact

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

Legal Implications

- 9 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.

- 10 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: -

- 11 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.
- 12 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.

- 13 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.

- 14 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).

- 15 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

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

- 17 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.
- 18 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.
- 19 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.

Appendices

- 20
 - a. Application Form
 - b. Public Representations
 - c. Responsible Authorities Representations

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**

LICENSING AUTHORITY
RECEIVED
29 JUL 2010

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 Donna Louise Heaney MBII and Sheila Heaney

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Royal Hall 5 The Southend			
Post town	Ledbury	Post code	HR82EY

Telephone number at premises (if any)	01531632110
Non-domestic rateable value of premises	£4200

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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Heaney			First names Donna Louise		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		329 Coleshill rd Hodge Hill			
Post Town	Birmingham		Postcode	B368BQ	
Daytime contact telephone number			07532014423		
E-mail address (optional)		theroyaloakhotel@hotmail.co.uk			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Current postal address if different from premises address		The Royal Oak hotel 5 The Southend	
Post Town	Ledbury	Postcode	HR8 2EY
Daytime contact telephone number		01531 632110	
E-mail address (optional)	theroyaloakhotel@hotmail.co.uk		

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	1	0
7	2	0
1	2	

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 note 1)
The Royal hall is situated on the first floor and is a function room with a small bar area detailed in plans. It has a stage area and holds 200 people. It has Male and female fixed toilets and also a store room.

Entrance is gained to the hall via the Royal Oak Hotel.

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	24:00	<u>Please give further details here</u> (please read guidance note 3) Performance of theatre Amplified but controlled music	Both	<input type="checkbox"/>
Tue	11:00	24:00			
Wed	11:00	24:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	11:00	24:00			
Fri	11:00	24:00	<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Sat	11:00	24:00			
Sun	11:00	24:00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Projector films & exhibitions for business conferences and events		
Mon	11:00	24:00			
Tue	11:00	24:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	11:00	24:00			
Thur	11:00	24:00	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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) Skittles, Bowling and darts tournament s and various indoor games
Day	Start	Finish	
Mon	11:00	24:00	
Tue	11:00	24:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	11:00	24:00	
Thur	11:00	24:00	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	11:00	24:00	Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00
Sat	11:00	24:00	
Sun	11:00	24:00	

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place 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	11:00	24:00	Please give further details here (please read guidance note 3) Amplified live music restricted	Both	<input type="checkbox"/>
Tue	11:00	24:00			
Wed	11:00	24:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	24:00			
Fri	11:00	24:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Sat	11:00	24:00			
Sun	11:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Amplified music restricted		
Mon	11:00	24:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue	11:00	24:00			
			<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Wed	11:00	24:00			
Thur	11:00	24:00			
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input 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) individual or group dancing to controlled amplified music		
Mon	11:00	24:00			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Tue	11:00	24:00			
			<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Wed	11:00	24:00			
Thur	11:00	24:00			
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

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> video gaming entertainment , pub game & compares for quizzes and similar events.</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 checked="" type="checkbox"/>
Mon	11:00	24:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	24:00	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	11:00	24:00	<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>		
Thur	11:00	24:00	<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following a bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00</p>		
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

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> Amplified PA system	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	11:00	24:00		
Tue	11:00	24:00		
Wed	11:00	24:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	11:00	24:00		
Fri	11:00	24:00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	11:00	24:00	Christmas eve 11:00-01:00 New years eve 11:00 -01:00	
Sun	11:00	24:00	Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00	

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 checked="" 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> Disco, live , music, Pa system and also unamplified acoustic music	
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>	
Mon	11:00	24:00		
Tue	11:00	24:00		
Wed	11:00	24:00	<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>	
Thur	11:00	24:00		
Fri	11:00	24:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u> Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00	
Sat	11:00	24:00		
Sun	11:00	24:00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> Disco , live music , amplified and non amplified music Comparing		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	24:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	24:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	11:00	24:00	<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	11:00	24:00	<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Fri	11:00	24:00			
Sat	11:00	24:00	<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		
Sun	11:00	24:00			
			<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) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-01:00 Bank holiday Sunday 11:00-01:00		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	Please give further details here (please read guidance note 3) Refreshments served in hall area	Both	<input type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	01:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) Christmas eve 11:00-01:00 New years eve 11:00 -01:00 Monday following bank holiday 11:00-02:00 Bank holiday Sunday 11:00-02:00		
Sat	23:00	01:00			
Sun	23:00	01:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	02:00			
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	02:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	02:00			

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

Name Donna Louise Heaney MBII	
Address 329 Coleshill road Hodge Hill Birmingham	
Postcode	B36 8BQ
Personal Licence number (if known) AT/PL/B46 1AA /08/80705	
Issuing licensing authority (if known) NORTH WARWICKSHIRE	

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

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	11:00	02:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>Christmas eve 11:00-02:30 New years eve 11:00 -02:30 Monday following a Bank hoiliday 11:00-02:30 Bank hoilday Sunday 11:00-02:30</p>
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	02:00	
Sat	11:00	02:00	
Sun	11:00	02:00	

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)

All staff are fully trained & certified to BIIAB standard *or to a standard in home training agreed with Neighbourhood Trading Standard*
Managers to all hold Personal licences
All staff are to be recognisable by uniforms or name badges.

b) The prevention of crime and disorder

All functions will be staffed to a 1 ; 25 ratio
CCTV is in place cameras situated above the bar, stage, fire exits and externally and on a 32 day digital recording with high quality and has night vision which are available to the police upon request at all times.

Dps and staff are trained to retrieve information upon request for police use.

A full log for CCTV and its maintenance is kept , signed and dated on a daily basis

The Hall is part of the local authority protection scheme and holds a radio and restricts banned members of the public under the HAND project .

Full incident log is kept on record available to the police or authorised person(s)

c) Public safety

~~First aid trained member of staff to be present at all times--~~

First aid kits are fully HSE compliant and are situated in Bar and stage areas fully accessible to staff and visible to general public if required.

All staff are to be recognisable by uniforms or name badges.

The capacity limit for the hall is 200

d) The prevention of public nuisance

All windows and external doors will be closed after 22:00 except during immediate access and egress

When live music is available DPS will monitor every 60 min the surrounding area to prevent nuisance and record kept.

Public requested in writing (via posters) are displayed at all exits requesting them to leave quietly.

e) The protection of children from harm

The premises operates a challenge 25 policy all staff trained and written records are kept with the DPS and posters are visible behind the bar and surrounding areas.

All children under 18 must be accompanied by a ^{responsible} adult over the ages of ~~18~~ ²¹ yrs and not allowed in the premises after 23:00 unless they are guests of the adjoining hotel.


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

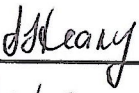
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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	23 rd July 2012
Capacity	Designated premises supervisor and manager

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	23/07/12
Capacity	Owner

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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.



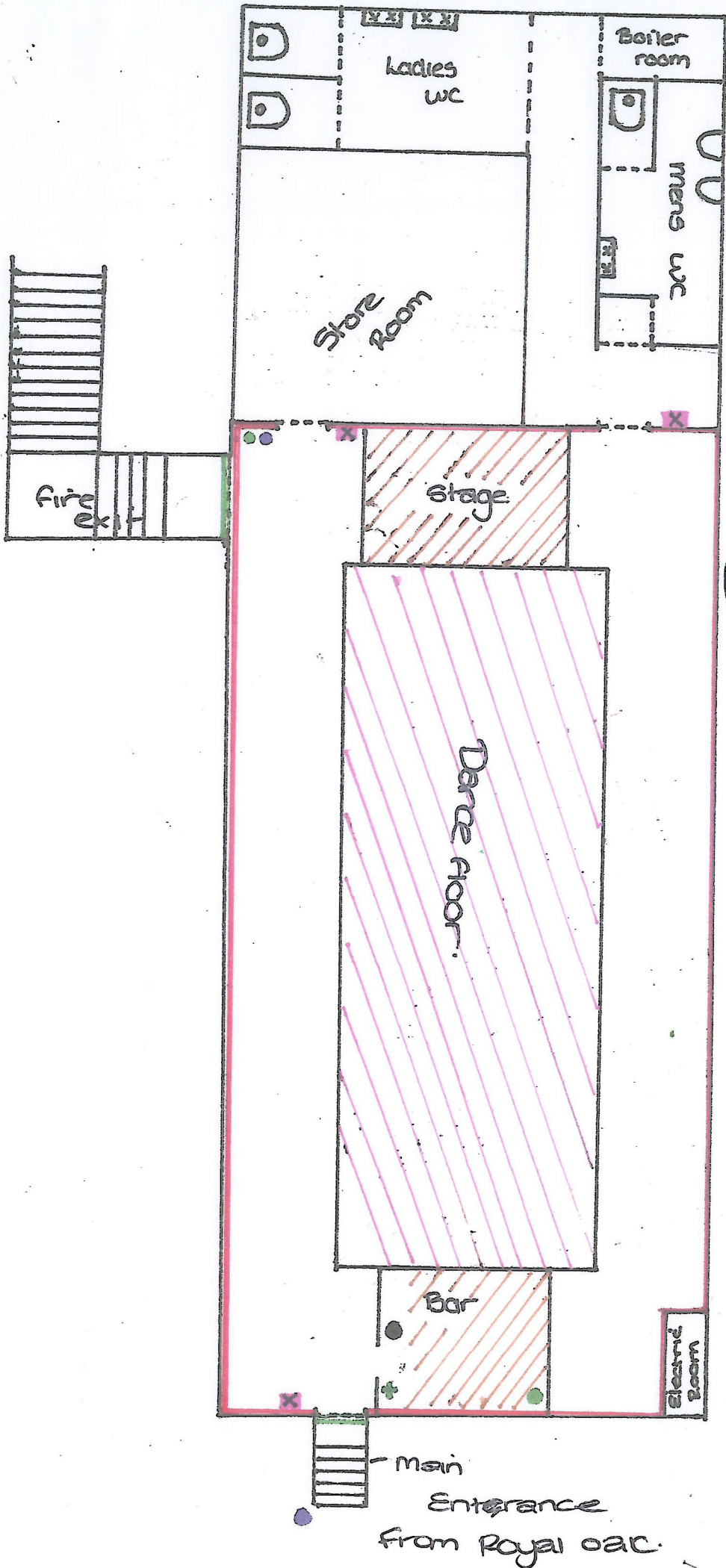
HEREFORDSHIRE
COUNCIL

Form of consent given by the person whom the applicant wishes to be the
premises supervisor

I, ... Donna Louise Heaney & Sheila Heaney ... [insert first names and surname of prospective
premises supervisor] hereby consents to being named as the premises supervisor in a
new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to
Donna Heaney & Sheila Heaney [insert full name of applicant] where the
holder of the licence has consented to the application being made by the applicant [delete
as applicable] for Royal Hall 5 The Square
Ledbury HRS 224 [Insert name and address
of the existing licensed premises] if that application is successful.

Signed [Signature]

Dated 23 July 2012



1 cm = 1 meter.

(stage height 18 inches)

Royal Hall
 5 The southend
 ledbury
 HR8 2EY

----- Doorway



Toilet



Urinal



Sink



First aid box



Powder fire extinguisher



Water fire extinguishers



AFFF Foam fire extinguisher



Carbon dioxide fire extinguisher



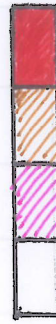
Fire Call point



Exit & Entrance



Fire blanket



Licensed activity area

Stage & Bar

Dancefloor

Windows

Partners

Big Ben

Big Ben

Royal Hall
5 The Southend
Ledbury
HR8 2EY

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 02 August 2012 11:56
To: Licensing; Poole, Ady
Subject: Royal Hall, 5 The Southend, Ledbury - premises licence application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location known as the **Royal Hall, Southend, Ledbury**. The application is for the sale of alcohol, regulated entertainment and late night refreshment. The application also seeks to specify Donna Louise Heaney as the designated premises supervisor.

West Mercia Police do not object to this application, but would seek to apply the following conditions to the premises licence in order to promote the licensing objectives. These representations are based on the police knowledge of the venues location, the submissions by the applicant and the model conditions contained in Herefordshire Council Licensing Authority licensing policy. It is our view that these representations are proportionate, necessary, achievable and enforceable in order to promote the licensing objectives.

1. 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, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand.

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

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

2. 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), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any incidents of disorder**

- (e) seizures of drugs or offensive weapons**
- (f) any faults in the CCTV system or searching equipment or scanning equipment**
- (g) any refusal of the sale of alcohol**
- (h) any visit by a relevant authority or emergency service**

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

4. 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

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

6. 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.

7. All doors and windows at the premises shall be kept closed after 2200hrs until the termination of licensable activities, except during immediate access and egress.

8. 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.

9. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 21 or over.

10. 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), an authorised Herefordshire Trading Standards Officer 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

11. 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).

Whilst West Mercia Police have submitted some measure of 'noise management', this is a matter best addressed by the relevant responsible authority.

These are the minimum conditions West Mercia Police would wish to see applied to any premises licence 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@westmercia.pnn.police.uk

Representation made by the Local Authority Dated 8th August 2012

I am an officer authorised under the Licensing Act 2003.

I refer to the application for a new premises licence in respect of 'The Royal Hall, Ledbury'.

It is noted that the applicant has applied for 'all' of the licensable activities with the exception of indoor sporting events. It therefore would be reasonable to assume that the use of the premises will be varied and extensive.

It is also noted that the premises are in close proximity to residential premises.

In order to promote the Licensing Objectives the Licensing Authority object to the grant of the licence. However I would remove that objection if the applicant agreed to the following conditions:

Prevention of Crime

1. 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 3000 300 immediately.

2. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

3. 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.
4. SIA door staff shall be used on a risk assessed basis. The risk assessment for each event shall be written down and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
5. 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 or the Police.
6. The premises shall be an active member of the HAND Scheme (Pub Watch) while such a scheme or similar exists.
7. A 'Pub Radio' shall be held at the premises. The DPS will ensure that a responsible person: logs on at the control centre at the commencement of licensable activities and monitors the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

Public Safety

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

First aid

9. A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves

Electrical & Gas Installations

10. All electrical wiring and distribution systems shall have a current electrical safety certificate signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

11. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Hypnotism

12. The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

Maintenance, Repair and Cleanliness

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

Special Effects

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

Capacity limits

15. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

Prevention of Public Nuisance

16. All windows and external doors will be closed after 2200 hours except for immediate access and egress.

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

18. 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.

19. Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least every 60 minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

20. 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.

21. No external area at the premises shall be used after 23:00 hours.

Protection of Children

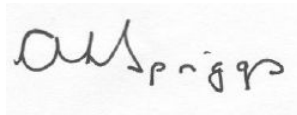
- 22. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 21 or over.

- 23. 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.

- 24. 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).

I believe that the above conditions are necessary for the promote of the licensing obejctvies, proportant for the type and loaction of premises and achievable.

If the applicant was to agree to these conditions then I would be willing to withdraw my objection.



Fred Spriggs
Licensing Officer

As a responsible authority under the Licensing Act 2003, Herefordshire Council Trading Standards have received details of the application for a premise licence for the Royal Hall 5 The Southend Ledbury

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

As a Service we need to ensure that steps are taken to prevent alcohol to children/person under the age of eighteen. I note your comments regarding promotion of the licensing objectives therefore the following conditions are suggested to be included in the licence.

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). 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 premise 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 the agreement and copy the email to licensing@herefordshire.gov.uk

Or please contact me to discuss the matter further.

Regards

David Hough

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email: dthough@herefordshire.gov.uk
GCSX: dthough@herefordshire.gcsx.gov.uk

**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.

Address: [Redacted]	E-mail address: [Redacted]
Please state your interest in the premises you are making a representation about: Local/neighbouring residents	
Name & Address of premises you are making a representation about: The Royal Hall at The Royal Oak Hotel. 5 The Southend, Ledbury, HR8 2EY	

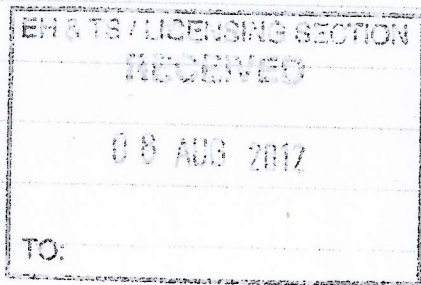
DATA PROTECTION ACT 1998. Please indicate by ticking here if you are not content for your personal details to be circulated as necessary prior to any hearing .

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 We feel that an extension to the licensing hours can only lead to further drink related antisocial behaviour which we have experienced from the Royal Oak when it had extended licensing hours in the past. It became a serious problem which necessitated the involvement of the police.
Public Safety
To Prevent Public Nuisance We have previously experienced extremely loud noise from these premises, which prevented us from sleeping. The Royal Oak is surrounded by residential properties and our house is in a direct line from, and in close proximity to the Royal Hall at the Royal Oak Hotel. It is for these reasons that we wish to register our very strong objection to this application.

Accepted 20/8/12

818112

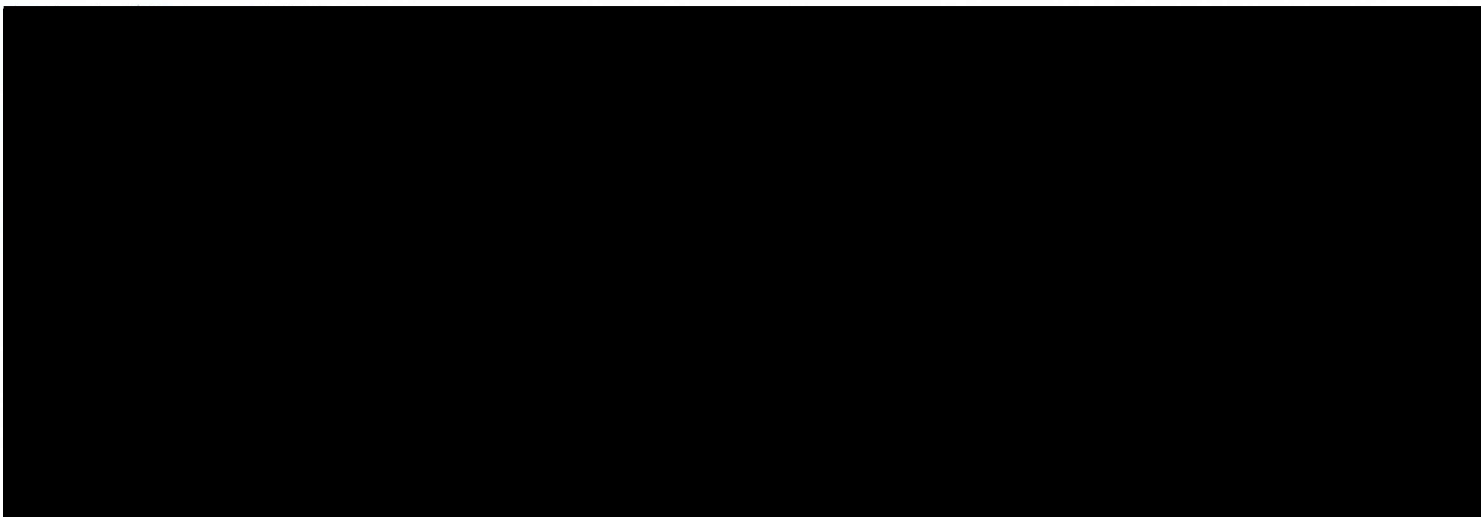


31ST JULY 2012

REF- THE ROYAL OAK / ROYAL HALL
5 THE SQUARE

Dear Sir/Madam,

With the hours presently allowed we still have disturbances occasionally outside the property and have had windows in our shop broken due to late night drinking. The hall when being used has excessive music filtering outside and the lighting from the stage ie Dance's/Disco's streams through the upper level windows creating a flashing effect.



[REDACTED]

From: [REDACTED]
Sent: 12 August 2012 10:57
To: Licensing
Subject: The Royal Hall The Southend Ledbury

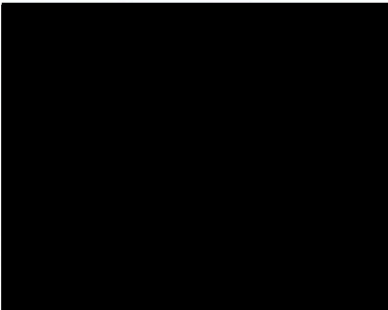
I am writing to express my concerns about the proposed premises license for the above property.

[REDACTED]

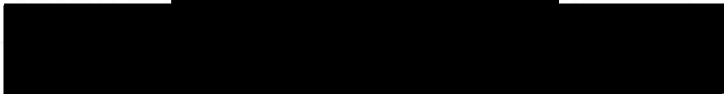
The Royal Hall is surrounded by residential property and I think it is an inappropriate place for a venue for live music and discos with amplified PA.

[REDACTED]

On several occasions earlier this year live music from the Royal Hall have created a disturbance in the area and an unacceptable level of noise for a large number of residences surrounding the venue. I am very worried about any increase in frequency of such events.



EH & TS / LICENSING SECTION
RECEIVED
13 AUG 2012
TO:

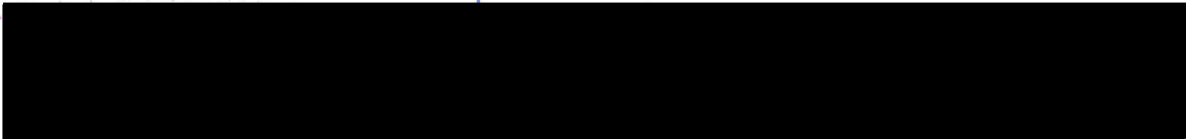


11 August 2012

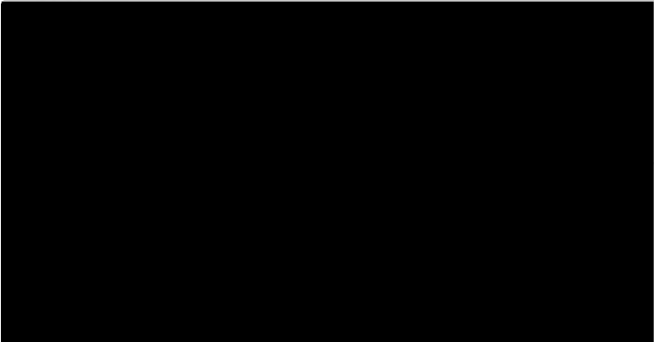
Licensing Section
Environmental Health and Trading Standards
Bath Street Offices
Bath Street
Hereford
HR1 2ZF

Dear Sir/Madam,

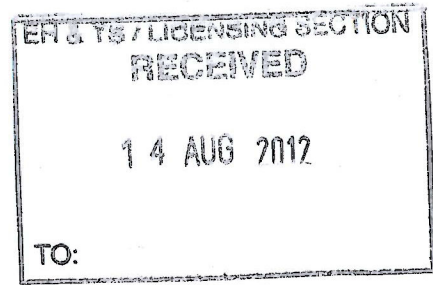
Royal Hall, Royal Oak Hotel, The Southend, Ledbury.



some six or seven years so, we were subjected to late night noise particularly when the "entertainment" finally ceased in the early hours. There was drunkenness in the neighbouring streets and the Police were summoned on various occasions. The nuisance was most apparent in the summer months when residents needed to keep their bedroom windows open. The Southend can be particularly noisy as the high wall opposite the row of houses acts as an amplifier.



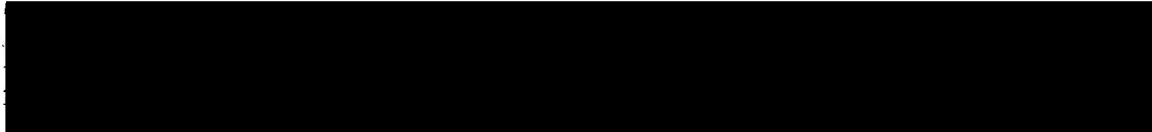
ATTACHED 20/8/12



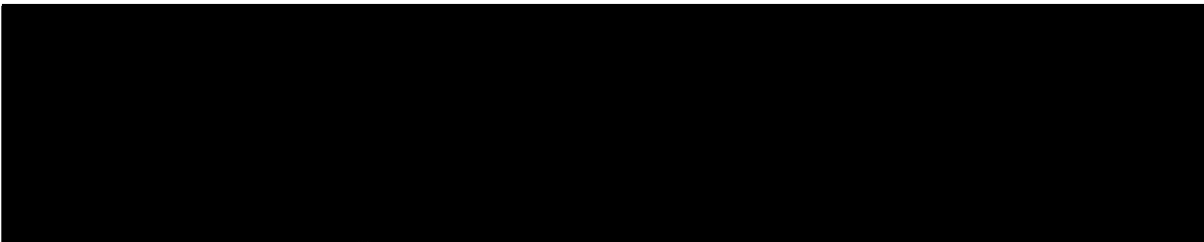
13th August 2012

Dear Sir/Madam

Re Licensing Application The Royal Hall Royal Oak Hotel 5 The Southend Ledbury



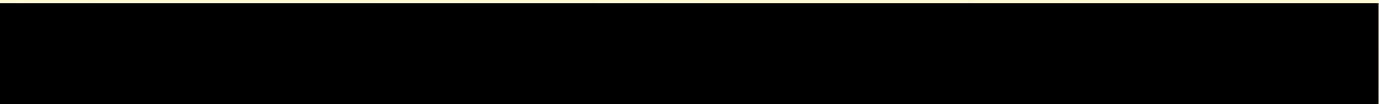
I have lived here for nine years and have experienced problems with noise from the hotel (though not with the present licensees) during that time, and know how distressing it can be for nearby residents.



Yours faithfully



Licensing Section
Environmental Health and Trading Standards
Bath Street PO Box



15 AUG 2012

Licensing Section
Environmental Health & Trading Standards

Bate Street Offices

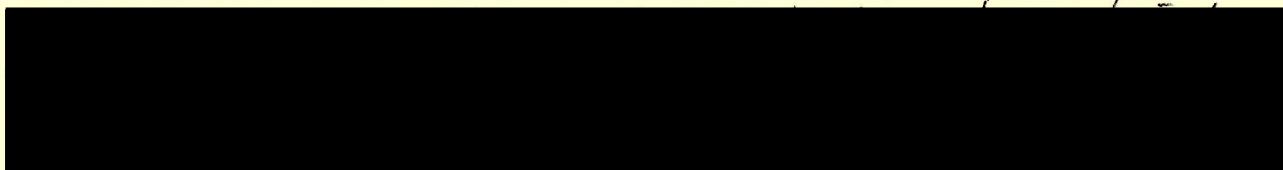
Bate Street

Keepsd

Hn 1 2ZF

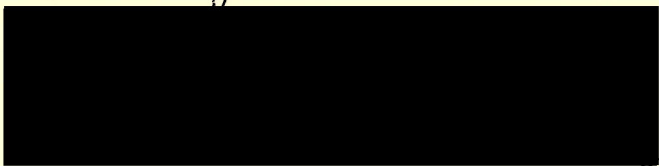
Re: Royal Hall at the Royal Oak Hotel

Ledbury



We suffer terribly from their noise as it is. There is also fear of vandalism to our houses, as quite often there are fights and disputes in the street.

Yours faithfully



Wanted 20/8/12



ENGLAND LICENSING SECTION
RECEIVED
15 AUG 2012
TO:



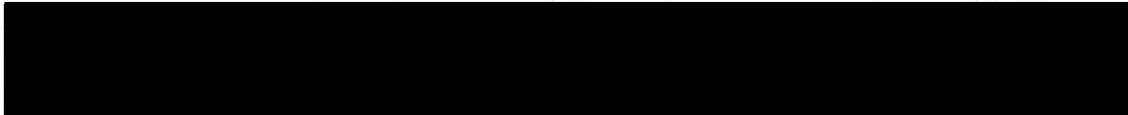
11.8.12

Licensing Section,
Herefordshire Council
Bath Street,
Hereford,
HR1 2ZF

Dear Sirs



living there and they have already been subjected to several nights of very loud music from the Royal Hall.



Points of major concern are:-

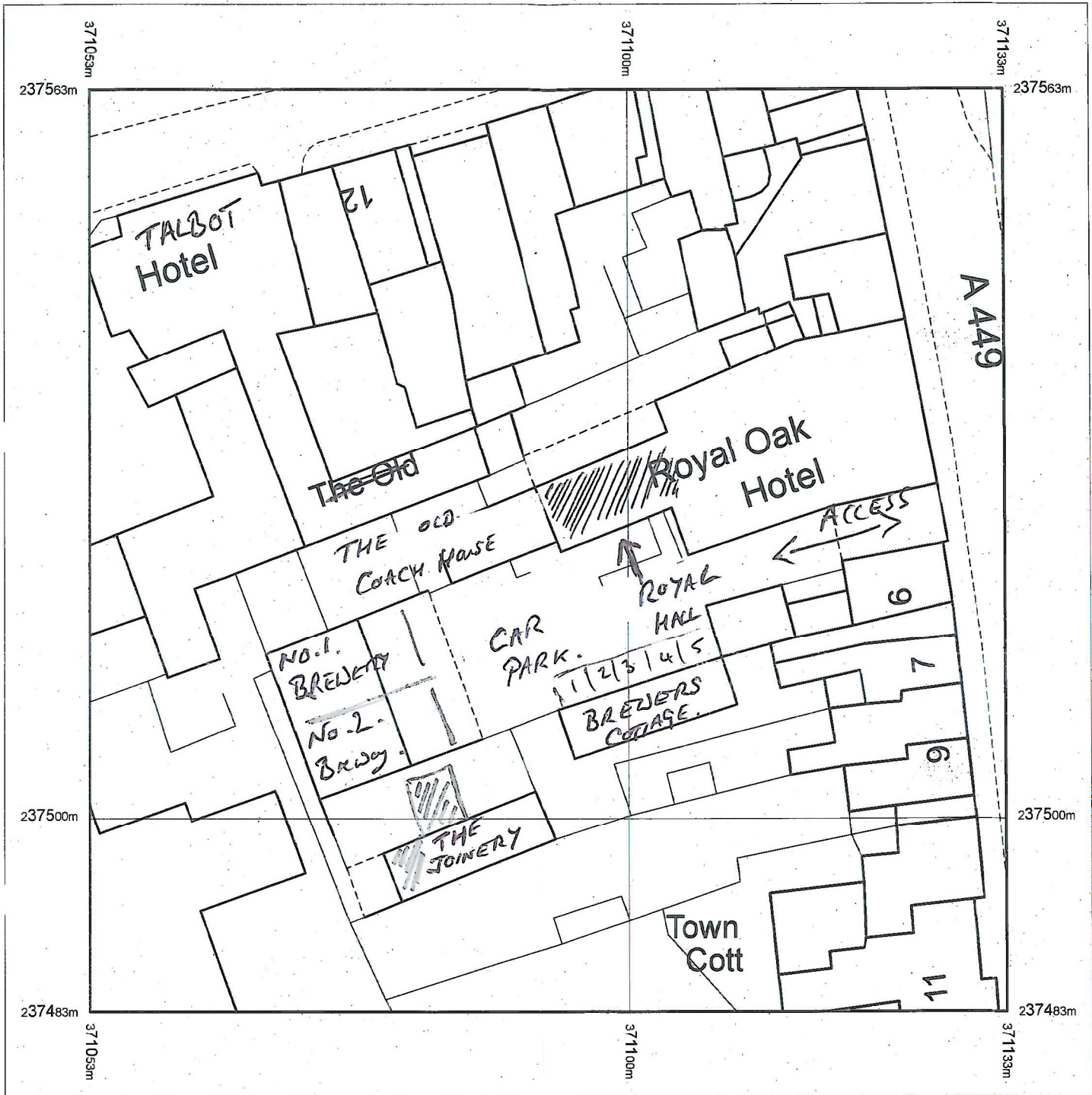
1. The fire exit from the Royal Hall is left open during events increasing the level of noise and smokers and drinkers spread out into the car park where their rowdy behaviour causes further disturbance to neighbours. Has there been any sound proofing to the building and will the emergency exit only be used in an emergency?
2. The properties which surround the hotel car park must have unobstructed access at all time. How would emergency services deal with a fire.
- 3.



Yours sincerely



I enclose a map showing
just how close we all are.



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Scale 1:500

Supplied by: **The Map Shop**
 Serial number: 00992300
 Centre coordinates: 371093 237523.25

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Accepted 201812

ENCL
 RECEIVED
 15 AUG 2018
 TO:

LICENCE EXTENSION FOR THE ROYAL HALL
 LENDBURY.

[REDACTED]

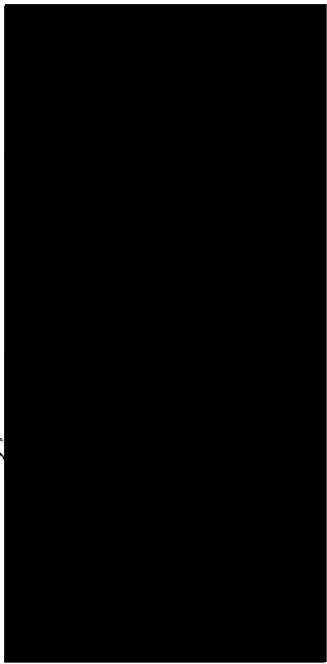
[REDACTED]

[REDACTED]

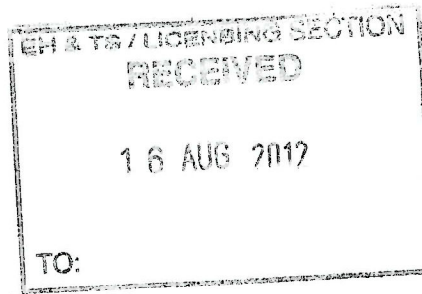
HAS ALREADY
 BEEN ABUSED BY EXCESSIVE
 NOISE FROM THE HALL, THERE HAVE
 ALSO BEEN VERBAL ATTACKS ON
 ME BY THE OWNERS, IN FACT THE
 POLICE HAVE HAD TO BE CALLED
 ON AT LEAST THREE OCCASIONS.

[REDACTED]

0 0 1



Accepted 20/8/12

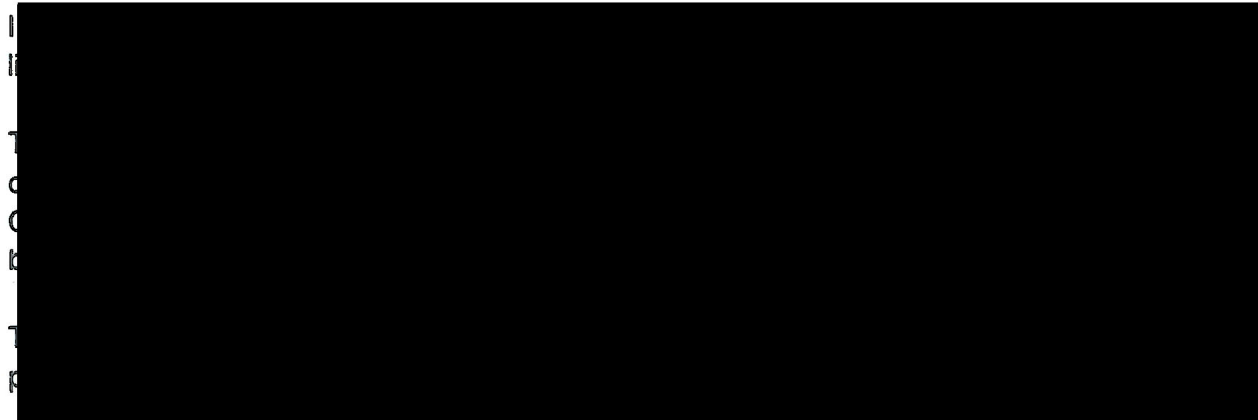


15 August 2012

Licensing Section
Environmental Health & Trading Standards
Bath Street Offices
Bath Street
HEREFORD
HR1 2ZF

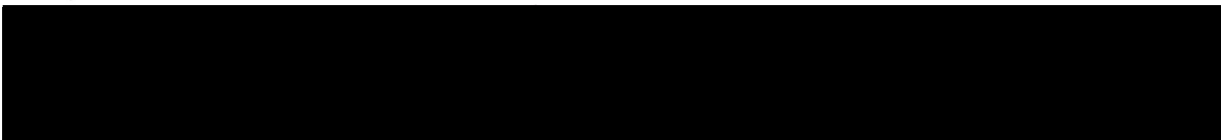
Dear Mesdames/Sirs

ROYAL OAK HOTEL, LEDBURY - APPLICATION FOR LATE NIGHT MUSIC LICENCE



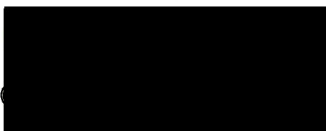
I recall that some years ago the Royal Oak held a licence for the playing of late night music. Loud music would be played regularly until 1am on Friday, Saturday and Sunday nights causing considerable discomfort to me and other residents [redacted]. In particular I would be prevented from falling asleep until the music had stopped or my sleep would be disturbed in the early hours.

The noise caused the residents [redacted] to submit a petition to Environmental Health calling for an end to the late night music. As a result Environmental Health intervened to cause the music to stop.

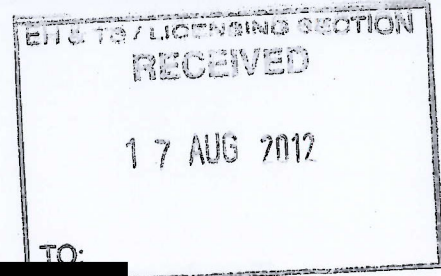


I submit my objection accordingly.

Yours faithfully



Attended 2018/11/11



[Redacted]

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

14 August 2012

To whom it may concern

Application for Licence at The Royal Hall, the Royal Oak Hotel, Ledbury

[Redacted]

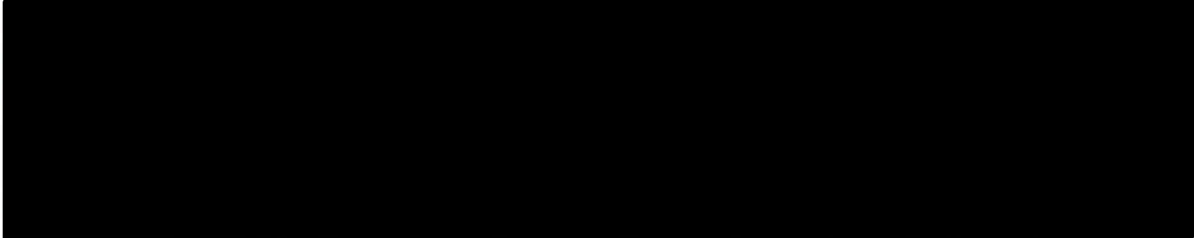
During the twelve years we have owned [Redacted] management of the Royal Oak has passed through several hands and local authority and police records will show that activities associated with the venue have from time to time caused significant concern. We are concerned that nothing should now be done that increases the potential for public nuisance.

During the 5 years or so under its present owners, thankfully there seems gradually to have been a reduction in functions involving music and we understand, [Redacted] that the owners have taken action to provide an element of soundproofing. However, even recently, despite there now being triple glazing in the downstairs room most directly affected in our property, we could still hear the beat of amplified music and hear in bedrooms all the noises arising from dispersal of those attending. In the still of the night, even normal levels of conversation carry far – [Redacted]

I appreciate that the licence application relates to the Royal Hall and that the events I have described have occurred in parts of the hotel closer to our property. However, the pattern of behaviour associated with them is relevant for two reasons.

First, the noises associated with dispersal will remain the same regardless of the part of the premises used and, were the Royal Hall ever be full to its 200 capacity, the noise created both on dispersal and as patrons take a smokers' break outside would far exceed the level of noise resulting from rather smaller functions hitherto. Even if the management appeals to its patrons for consideration, such nuisance is outside its ability to control.

Secondly, our previous experience indicates the problems the management, despite its efforts, has in effectively controlling the level of amplified music (recorded or live) so that it is heard solely by those who wish to hear it and not a wider public. Particularly when patrons find the inside temperature too warm and open windows – historically, a frequent occurrence when a lower room is in use – the music can be heard very clearly indeed.



If the Council were to take a different view, I would submit that, given the proximity of a significant amount of residential property and the historic difficulties in effective management of noise of one kind or another, there should be strictly enforced conditions relating to high quality sound-proofing, the obligatory use of sound limitation devices, air conditioning and the uninterrupted closure of all windows throughout the venue. Furthermore, because no management can effectively control noise associated with dispersal or groups gathering to smoke outside, that the hours for music should normally be limited to 11pm and for drinking to 11.30pm, with an extension on New Year's Day, Easter Monday, and the Spring and the Summer Bank Holidays to 12 midnight for music and 1 a.m. for serving of alcohol.

