

AGENDA

Regulatory Sub Committee

Date: **Tuesday 2 October 2012**

Time: **10.00 am**

Place: **Meeting Room 22a, Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor CM Bartrum
Councillor JW Hope MBE
Councillor Brig P Jones CBE**

AGENDA

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1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION TO LICENCE A VEHICLE OUTSIDE OF STANDARD CONDITIONS To decide whether to licence a vehicle outside the standards vehicle licence conditions.	1 - 18
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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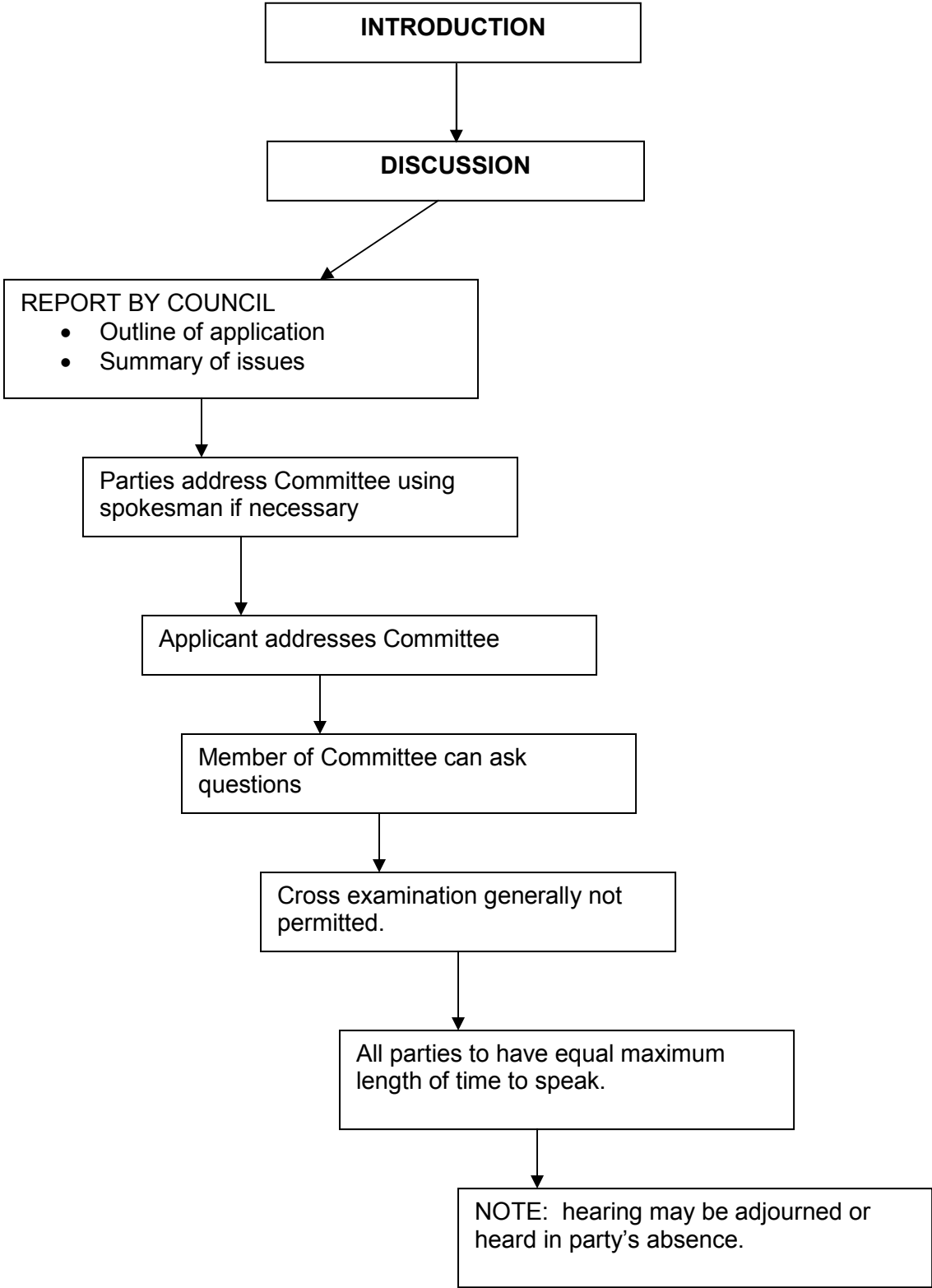
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 OCTOBER 2012
TITLE OF REPORT:	APPLICATION TO LICENCE A HACKNEY CARRIAGE VEHICLE OUTSIDE STANDARD CONDITION 6.1 'ALL PASSENGER REAR DOORS TO BE HINGED VERTICALLY OR SLIDING' BY MR CRAIG HART
PORTFOLIO AREA:	HEALTH AND WELLBEING

CLASSIFICATION: open

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standard vehicle licence conditions.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Regulatory Committee:

- (a) **Allows this application for this specific make and model of vehicle.**

Key Points Summary

- Application made on 12 September 2012 to consider allowing this vehicle to be licensed outside standard conditions.
- This vehicle was first registered in 2012 and is a new vehicle, it does not comply with the following condition:
 - 6.1 All passenger rear doors to be hinged vertically or sliding.

Further information on the subject of this report is available from
 Claire Berrow – Licensing Officer on (01432) 383542

Alternative Options

1 The licence can be refused

Advantages: It complies with licence conditions. No similar applications have been considered in the past.

Disadvantages: There would be risk of legal challenge.

Reason why Head of Service has not recommended alternative 1: Although this has been considered it has not been recommended as the vehicle is designed as a purpose built taxi.

2 To defer the decision in order to get more information

The Committee could make a decision to defer the decision while more information is requested.

Advantages: Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.

Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.

Reason why Head of Service has not recommended alternative 2: It is felt that any information required to reach a decision has been provided within the application.

3 To reach some other decision

Advantages: This leaves other solutions open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Head of Service with respect to other options.

Reason why Head of Service has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 4 The vehicle is a purpose built taxi vehicle and this specific vehicle has two other rear doors which are sliding, so egress from the vehicle is unobstructed. The rear door would only be used when in use as a disabled passenger vehicle.

Introduction and Background

- 5 Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.

Key Considerations

- 6 Whether or not, in the given circumstances, the licence should be granted outside the standard conditions.

Community Impact

- 7 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 8 Not applicable

Legal Implications

- 9 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

- 10 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Copy of application dated 12 September 2012

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.



Herefordshire Council

£150

RECEIVED
12 SEP 2012

Receipt No:
Income Code	191130 C05027 9126
Date

Application for grant/renewal of a
VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	✓
HACKNEY CARRIAGE VEHICLE	✓	RENEWAL	
Reasons for application being outside conditions	Rear door is horizontally hinged contrary to condition 6.1D not vertically or sliding		

Surname (MR.MRS.MISS) HART Maiden Name

All Forenames CRAIG THOMAS Previous Surnames/Aliases

Date of Birth 27 July 1982 Place of Birth HEREFORD Sex M/F

Present address. [Redacted] BULLINGHAM LAWE

HEREFORD Post Code HR2 6SS

Telephone Number: Business. [Redacted] Home

Mobile

E-mail

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

.....

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

.....

Name and address of proprietor of the vehicle CRAIG HART [Redacted]

HEREFORD HR2 6SS

(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body.

Address of Registered Office

Address from which business will be conducted.

.....

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

Surname... HART Forename(s)... CRAIG THOMAS
Address... [REDACTED] BULLINGHAM LANE HEREFORD HR2 6SS
Date of Birth... 27 JULY 1982 Driver's Badge No... 6377

PARTICULARS OF VEHICLE

- | | |
|---|--|
| 1. NAME ON REGISTRATION DOCUMENT | |
| 2. MAKE <u>PEUGEOT</u> | 8. REGISTRATION NO. <u>[REDACTED]</u> |
| 3. MODEL <u>PARTNER TEPEE</u> | 9. PLATE NO. |
| 4. TYPE OF BODY <u>ESTATE</u> | 10. ENGINE CAPACITY <u>1.6 HDI</u> |
| 5. COLOUR(S) <u>RED</u> | 11. FUEL (PETROL /DIESEL/ LPG) |
| 6. NO. OF SEATS (EXC DRIVER) <u>FOUR</u> | 12. CHASSIS/BODY NO. |
| 7. DATE OF 1 ST REGISTRATION <u>23/08/11</u> | 13. ENGINE NO. |

ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)

Is the Vehicle Wheelchair accessible? YES/NO
Does the vehicle have a meter fitted? YES/NO
Make:..... Model:.....
Address at which vehicle will be garaged.....
.....
Insurance Company.....
Insurance Valid From..... To.....
Persons covered to drive with limitations (if any) ie. Age restriction, insured only.
.....
Hackney/Private Hire Cover.....
Where is the Fire Extinguisher kept?.....
Is the vehicle to be used to undertake Social Service/Education Dept Contract? YES/NO
If YES, state type of contract.....

NB Drivers on Social Services/Education Contract journeys must hold a County Transport Badge in addition to their Dual Driver Badge.

Contact - Children and Young People's Directorate, School Admissions and Transport Department
Blackfriars PO Box 185 Blackfriars Street Hereford HR4 9ZR
Office Tel No: 01432 260928 Email: schooltransport@herefordshire.gov.uk

PARTNER

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

Particulars of Vehicle

REGISTRATION NO. _____

PLATE NO. _____

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.....



.....Date... 12 September 2012

Data Protection Act 1998

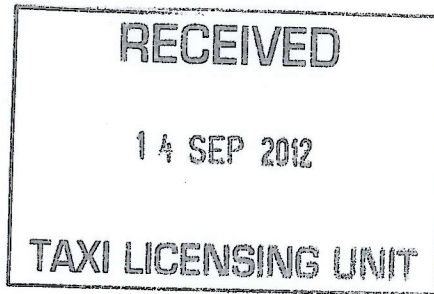
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Data Protection Officer., County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH



4 Meadow Way
Bullingham Lane
Hereford
HR2 6SG
12 Sep. 12

Dear Sir/Madam

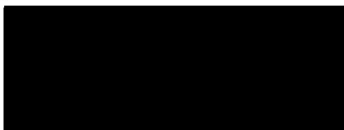
To Whom It May Concern

With Reference to Vehicle Peugeot Premier Reg No SF11 0NV

I have already put a deposit on the above vehicle after a discussion with Ady Poole on Monday 10th September who agreed that the vehicle was suitable

I purchased this vehicle because it is purpose-built for wheelchair access and was designed by Peugeot a world class car manufacturer which I trust, the vehicle has not been modified in any way. I bought it under the knowledge that I could use it as a wheelchair access vehicle and because I believe it to be the most suitable vehicle for our customers. Also, I am also aware that there are other taxi drivers using the same vehicle who are licensed under Herefordshire Council for example there is a Peugeot Partner with Plate No H076 that has the exact same rear door In question that has already been passed by the committee there is also a number of Peugeot E7s that are also in use with a vertical rear door. I believe that in the case of an emergency the vehicle would be quicker and more efficient due the the one piece tail gate and the sliding ramp. My current vehicle has to have both rear door open and the ramp unfolded before you can get inside. After speaking to Cab Direct the vehicle providers, they confirmed that the vehicle is in use as a Taxi all over the country and our local councils including Worcester, Gloucester and Gwent councils have all passed the vehicle for use. I am one of three partners in Prima Taxis, which was established 7 years ago with the purpose of providing wheelchair access for the citizens of Herefordshire, currently we are the most widely used wheelchair access firm in Herefordshire. Due to our work the company's including Scope Charities Our standards of safety and care are paramount, before purchasing any vehicle we looked at various other models and on this occasion we concluded that the Peugeot was our best option.

Yours Sincerely



Craig Hart

Premier™
From Peugeot and Cab Direct

Euro 5

Premier™ from Peugeot and Cab Direct



PEUGEOT

Cab Direct™

Driving for Perfection



Peugeot
OF EUROPE'S BEST ASSURED

03. Economy and Versatility

04. Comfort and Driveability

05. Space and Accessibility

**06. Technical Specification and
Colour Choice**

07. Features and Options



Economy & Versatility



Economy

Available exclusively from Cab Direct, the Peugeot Premier™ combines all you need in a modern day cab with truly great economy. Powered by Peugeot's economical Euro 5 HDi diesel engine, Premier™ boasts excellent fuel efficiency - an impressive 58.9mpg* on the combined cycle - making it one of the most cost effective taxis on the market. Combine this with Premier's low price tag and you'll be surprised how affordable your new cab can be.

Versatility

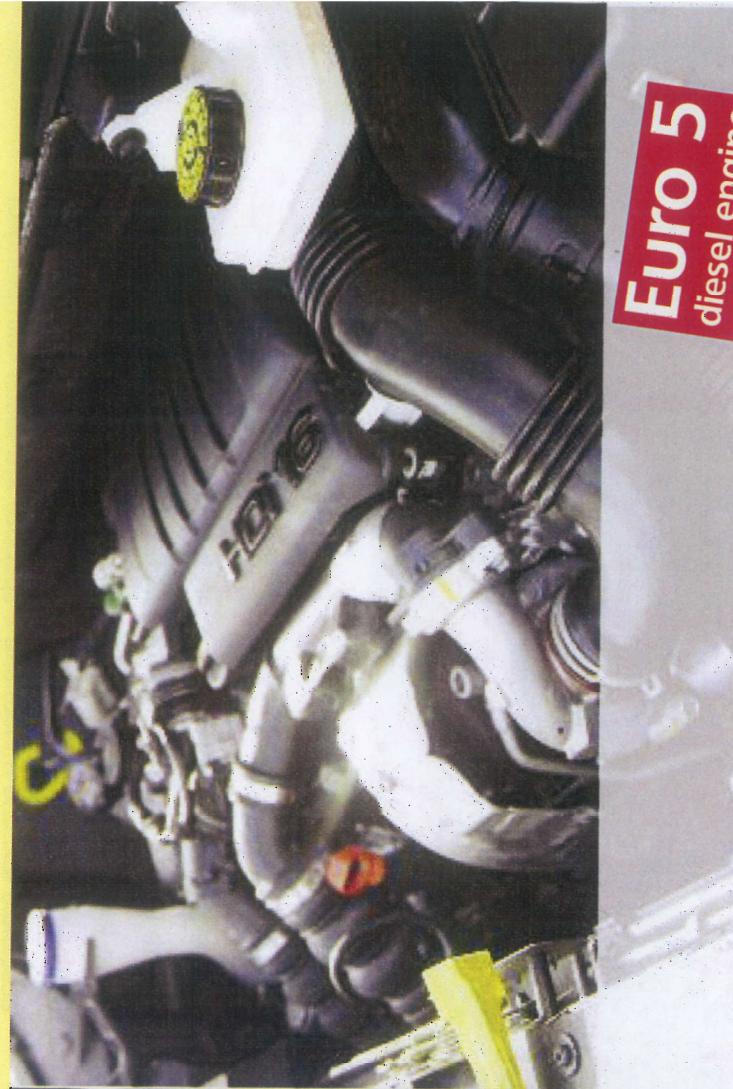
Where the Peugeot Premier™ excels is in its versatility. It makes superb use of space with numerous handy storage areas. What's more, load carrying is second to none thanks to Premier's unique FlatFold™ ramp. With Premier™, you can have a fully wheelchair accessible taxi one minute and a spacious five-seater with plenty of luggage space the next.

*Official VCA fuel consumption figure, combined cycle (auto)

Comfort and Driveability



Manual or auto



Euro 5 diesel engine

Comfort

Comfort and convenience are high on the list of priorities for the modern day driver and thankfully the Peugeot Premier™ has both in abundance. Features such as height adjustable driver's seat with armrest, radio/ MP3 compatible CD player with remote controls, electric front windows and large, high visibility windscreen make the Premier™ a pleasure to drive.

Driveability

Quick and highly economical, Peugeot's innovative Euro 5 diesel engine uses an aluminium block to reduce weight and help towards better weight distribution, ensuring you a fast response and superb poise on the road. Now with the choice of manual or automatic* transmission, Premier™ makes the perfect taxi partner, whatever your taste. With effortless handling and maximum comfort for drivers and passengers alike you're sure to enjoy a relaxing trip every fare.

*ECC gearbox allows you to choose between auto mode or clutchless manual drive.

Space and Accessibility

PREMIER™



Unique FlatFold™ ramp

Bags of Space

Today's passengers often come with plenty of luggage. That's why Premier's FlatFold™ wheelchair ramp has been designed to be stowed flat to the vehicle floor when not in use. This allows you to take full advantage of the huge luggage area, ensuring bags and cases will never be a problem again. Add to this Premier's roomy interior and both driver and passengers can travel in perfect comfort, with bags of space for all.

Wheelchair Access

Premier's FlatFold™ rear ramp has been specially designed to offer quick and easy wheelchair access. The vehicle also features a lowered floor providing an easy ramp gradient to assist wheelchair entry and exit. Securing the wheelchair passenger couldn't be simpler either thanks to Premier's four-point wheelchair restraint system and full lap and diagonal inertia seat belt.

Technical Specification and Colour Choice

	1.6 HDi Manual	1.5 HDi Auto
Engine	Euro 5	
Cubic Capacity	1560	
Max. power bhp (kW) @ rpm	92 (68) @ 4000	
Max. torque lb ft (kW) @ rpm	169 (230) @1750	
Tyres		
Size	215/55 R16	205/65 R15
Fuel Tank		
Capacity (litres)	58	
Transmission		
Number of gears	5 speed manual	6 speed EGC*
Fuel Consumption (MPG)		
Urban	45.6	55.4
Extra urban	58.9	62.8
Combined	53.3	58.9
Emissions		
CO ₂ (g/km)	139	125
CO (mg/km)	270	255
NOx (mg/km)	167	158
HC & NOx (mg/km)	224	195
Particulates (mg/km)	0.6	0.6
Suspension		
Front	Pseudo-Macpherson with lower wishbone struts, coil springs & anti-roll bar	
Rear	Rear deformable axle with coil springs and anti-roll bar	

	1.6 HDi Manual	1.6 HDi Auto
Brakes		
Front	Ventilated disc	
Rear	Solid disc	
Additional safety	ABS including EBA & EBFD	
Performance (driver only)		
Max speed (mph)	103	
Acceleration 0-60 mph (sec)	14.3	
Dimensions (mm)		
Length	4380	
Width - including door mirrors	2112	
Height	1801	
Wheelbase	2728	
Front overhang	925	
Rear overhang	727	
Ramp width	720	
Ramp length	1000	
Weight		
Gross vehicle weight	2070	
Kerb weight	1624	
Gross train weight	3070	
Wheelchair access		
FlatFold™ ramp	Max load 350 Kg	
Tie-downs	Certified to ISO 10542	
Occupant restraints	Certified to ISO 10542	

* EGC - Electronic Gearbox Control for smoother gear changes with no clutch.

Colours

Solid



Black Blanca White

Metallic



Aluminium Iron Grey



Nyanos Blue Hazebart

Features and Options

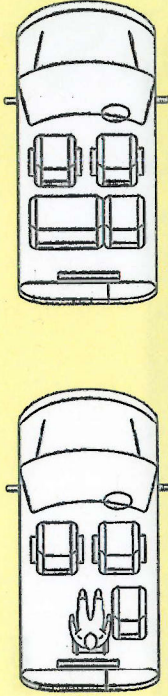
Model	S	SE
Taxi Features		
Professional LED high visibility for hire sign	•	✓
Taxi meter	•	✓
Side steps	•	•
Style Features		
Twin sliding side doors	✓	✓
One piece tailgate with heated screen	✓	✓
Body coloured bumpers, mirrors & handles	✓	✓
Metallic paint	•	•
Alloy wheels	•	•
Safety and Security		
ABS including EPA & EBFD	✓	✓
Front fog lights	✓	✓
Rear fog and reversing lights	✓	✓
Driver airbag	✓	✓
Front passenger airbags	✓	✓
3-point seat belts	✓	✓
Remote central locking and deadlocks	✓	✓
Comfort and Convenience		
Electrically adjustable, heated door mirrors	✓	✓
Variable power assisted steering	✓	✓
60/40 split folding rear seats	✓	✓
Height adjustable front head restraints	✓	✓
Electric front windows	✓	✓
Air conditioning	•	✓
Height adjustable drivers seat	✓	✓
Rake & reach adjustable steering wheel	✓	✓
Floor mats	•	✓
Tom Tom sat nav	•	•
Full width overhead storage shelf	✓	✓
Central locking from dashboard	✓	✓

Key ✓ = included • = optional

Model	S	SE
Audio		
Radio/MP3 compatible CD player	✓	✓
Other Options		
Ultrasafe™ tyre life extender	•	•
Supagard professional interior and exterior protection	•	•
Mud flaps	•	•

SEATING OPTIONS

Your Premier™ can accommodate driver, wheelchair passenger and two seated passengers or driver and four seated passengers.



Access features:

- Unique Flatfold™ ramp
- Lowered floor for optimum accessibility
- High quality wheelchair restraints
- Lap and diagonal seat belts for seated wheelchair passengers

For your reassurance each vehicle comes with:

- 2 year Peugeot unlimited mileage warranty
- 1 year roadside assistance
- 3 year paint warranty

The Premier™ comes with the highest possible standard of safety testing - European Whole Vehicle Type Approval

For further information or to arrange a free home demonstration call our friendly customer service team today or visit our website.

0800 587 9630

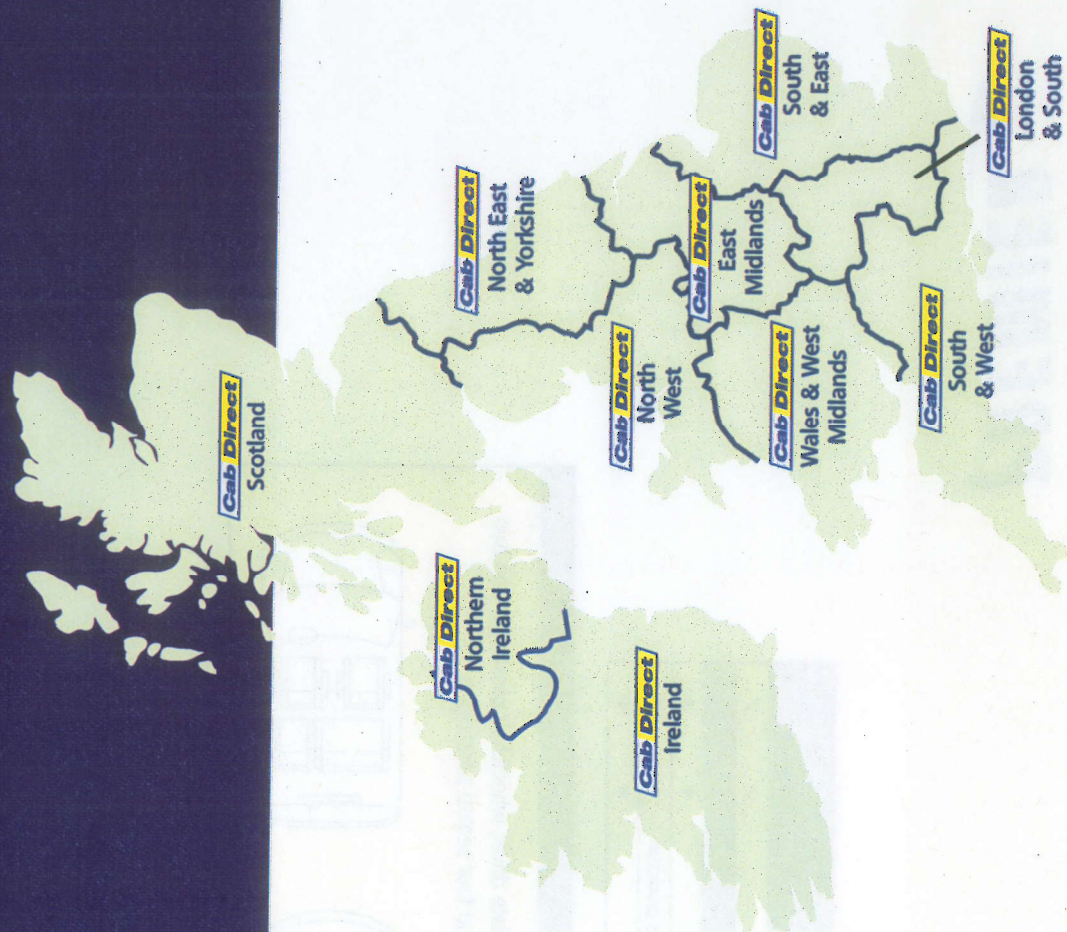
www.cabdirect.com



PEUGEOT

Cab Direct[™]

Driving for Perfection



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 OCTOBER 2012
TITLE OF REPORT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE THE 'CROWN INN, LEA, ROSS ON WYE, HR9 7JZ' – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH AND WELLBEING

CLASSIFICATION: Open

Wards Affected

Ross on Wye East

Purpose

To consider an application for the variation of a premises licence in respect of the 'Crown Inn, Lea, Ross on Wye, HR9 7JZ'.

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

- **Three (3)** relevant representation from members of the public
- **Three (3)** representations from Responsible Authorities (Police, Trading Standards and Environmental Health) The applicant has accepted the representations made and has agreed to all conditions recommended by the responsible authorities.

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

Options

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

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	David Paul Spencer The Crown Inn, Lea, Ross on Wye, HR9 7JZ.	
Representative	Nil	
Type of application: New Application	Date received: 09/08/2012	28 Days consultation 06/09/2012

Licence Application

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

Current Licence

- 5 The premises is currently licensed as follows: -

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
On Good Friday, 12 noon to 10.30 p.m.
On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Non Standard Timings

None

Summary of Application

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

Live Music (Both Indoors & Out)	Friday & Saturday	20:00 – 23:00
	Sunday	16:00 – 20:00
Recorded Music (Indoors only)	Monday – Saturday	12:00 – 23:00
	Sunday	12:00 – 22:30

Non Standard Timings:

Live Music & Recorded Music	New Years Eve	12:00 – 01:00
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Seasonal variations: None

Summary of Representations

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

There are three (3) relevant representations made by members of the public and Three (3) from Responsible Authorities (Trading Standards, the Police and Environmental Health).

Key Considerations

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

Community Impact

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

Legal Implications

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

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

In this case it was summed up that: -

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

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

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

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

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

- 16 The committee should be aware that the Live Music Act 2012 commenced on 1st October 2012. This legislation will effect this application and states that:

‘where live music takes place on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence, and—

- (a) at the time of the live music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
- (b) either—
 - (i) the live music is unamplified, or
 - (ii) the live music is amplified and takes place in the presence of an audience of no more than 200 persons, and
- (c) the live music takes place between 8am and 11pm on the same day
- (2) Any condition of the premises licence or club premises certificate which relates to live music does not have effect in relation to the live music, unless it has been attached following a review of that premises

- 17 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

- 18 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

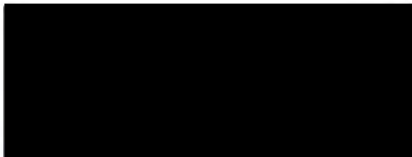
- 19 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 20 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 21 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 22 The applicant has produced a copy of the advertisement which is only correct in part. There is no reference made to any of the licensable activities being outdoors. In respect of timings for live music it states on Friday, Saturday & Sunday 2100 – 2300. There is no reference to Non-Standard Timings.

Appendices

- 23
- a. Application Form
 - b. Public Representations
 - c. Police Representation
 - d. Trading Standards Representation
 - e. Environmental Health Representation

Background Papers

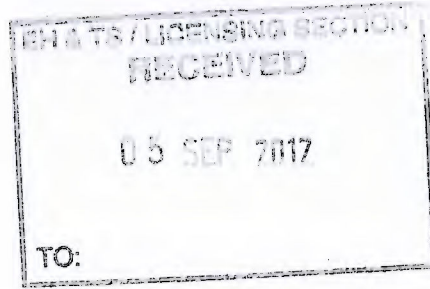
Background papers are available for inspection in Meeting Room 22a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



Representation - Crown Inn Lea Licence application.txt

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



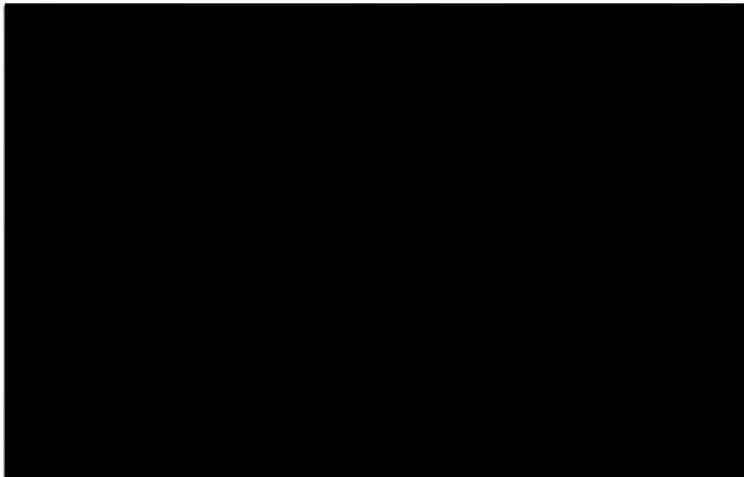
HEREFORDSHIRE COUNCIL

Licensing Act 2003

REPRESENTATION FORM - INTERESTED PARTIES

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

When completing this form please print clearly and legibly.



Please state your interest in the premises you are making a representation about:
Local resident

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

The Crown Inn, Lea

Representation - Crown Inn Lea Licence application.txt

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


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

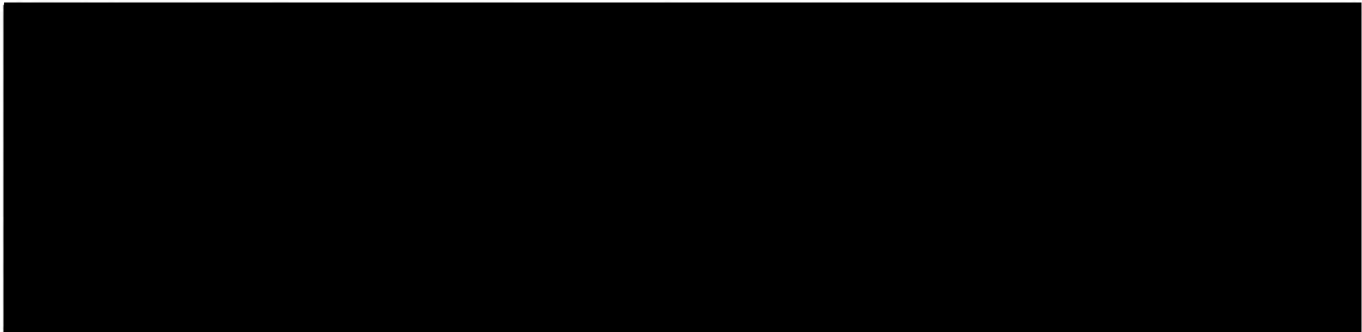
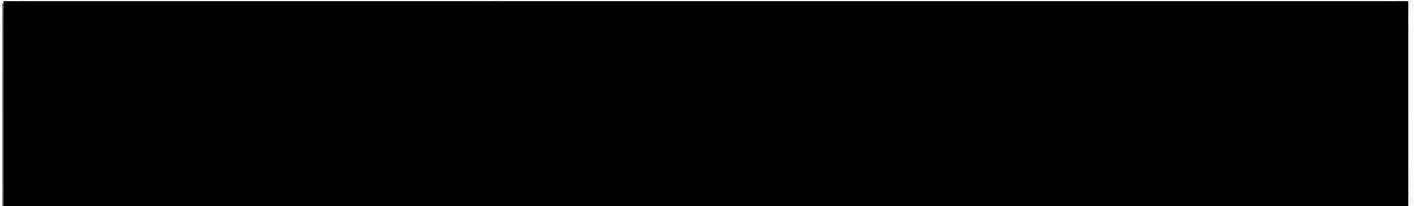
To Prevent Crime & Disorder

Public Safety

To Prevent Public Nuisance

Noise is very much a public nuisance and whilst this is a pub and some customer noise is to be expected, it is nonetheless set in very quiet, rural area where night-time noise is rarely suffered. (Notwithstanding traffic noise which greatly reduces at the weekend and evenings anyway.) The recent 'Crown Inn Music Festival' on the weekend of 1st/2nd September 2012 featured outdoor music until late at night and was clearly and disturbingly heard even though we are some distance away from the pub itself. The application asks for permission for music to be played outside, every weekend, from Friday to Sunday which is just too much on every night and on a regular basis, affording no respite for the residents of Lea that enjoy a peaceful, rural atmosphere. Given that the outside music will probably mostly be over the summer, the expectation is that quietly sitting in one's own garden in the summer could be compromised by the noise from the pub's entertainment.





To Protect Children from Harm

Signed:

Date:

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

Representation - Crown Inn Lea Licence application.txt

5thSeptember 2012

□

Representation Form - Interested Parties

Suggested Conditions

Premise: _____ Your name: _____

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

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

To Prevent Crime and Disorder

Public Safety

Prevent Public Nuisance

Limit the number of nights and the number of weekends in any given period when live music can be performed? I.e. once every 4 weeks?

Protect Children from Harm

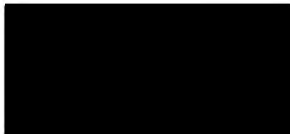
Signed:

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

Date:

5th September 2012

□



EH & TS / LICENSING SECTION
RECEIVED
21 AUG 2017

HEREFORDSHIRE COUNCIL
Licensing Act 2003

TO:
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.



Local Resident

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

The Crown Inn, Lea

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

No comment

Public Safety

No comment

To Prevent Public Nuisance

The Crown Inn Lea has applied for a variation in Licence to include the playing of live and Recorded Music from Friday through to Sunday.

Since the current landlord has taken tenure at the Crown Inn we have been plagued by totally excessive noise coming from the premise due to the playing of music. For a period of time we put up with it as we didn't want to make a fuss. The continued disturbance has now made it intolerable.

The current landlords have showed absolutely no consideration to local residents to the point where it demonstrates a total lack of respect for others. For months my wife and I have had to tolerate the sound of live rock bands late into the night and often into the early hours of the next morning, During the playing of the live and recorded music the Crown Inn showed no attempt at containing the noise and left windows and doors wide open, again demonstrating the lack of ability or want to consider those around them.

This total lack of respect or consideration was demonstrated when the Crown Inn, on Sunday the 24th June held a live music event outside in the beer garden. [REDACTED] played from around 16:00 to around 20:00. The music made it impossible for my wife and I to relax inside the property let alone spend any time outside trying to enjoy some decent weather.

Even when music is played inside the Crown Inn it can be heard inside our property as clear as if it was being listened to from outside. The Crown Inn is a very old structure and does not have the infrastructure required to contain noise to any extent (even if windows and doors are closed).

The Crown Inn also positions the Band within the pub at the closest point to exposed windows [REDACTED]. The Crown Inn has located its smoking area in the court yard [REDACTED] which on Live Music nights becomes heavily populated with noisy people that continue to swear and shout. No effort is made to prevent people from creating noise in this area even past midnight. The statement in the variation application that suggests that swearing and "nuisance" behaviour is controlled and discouraged is not as I have witnessed in reality. [REDACTED]

The stress that this has caused both myself and my wife has made us physically ill. We both work extremely long hours during the week and have only the weekend to try and exist with a little less stress than during the week. To spend every night of the weekend being forced to endure what the Crown Inn wishes to play will literally make our life intolerable.

We have no confidence that the Crown Inn will try to respect others around them. Even without a license to play music the Crown Inn has failed to stick to the times as shown in the recent application. We have at times been kept up past one o'clock in the morning with music playing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To Protect Children from Harm

No comment



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

**HEREFORDSHIRE
COUNCIL**

**Representation Form – Interested Parties
Suggested Conditions**

Premise: Crown Inn Your name: [Redacted]

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

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

To Prevent Crime and Disorder

No comment

Public Safety

No comment

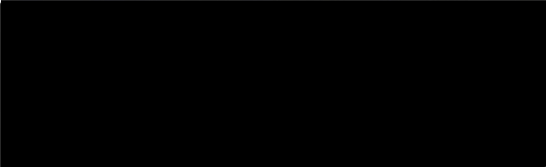
Prevent Public Nuisance

I do not believe that any feasible action can take place to remedy the problems that we are experiencing.

However, I will fully indorse a variation to the licence to include Live/Recorded Music will on New Years Eve 12:00 – 13:00 Inside Only. All other events will have to be requested as part of the TEN process. This however cannot imply free reign to cause noise pollution of an excessive level.

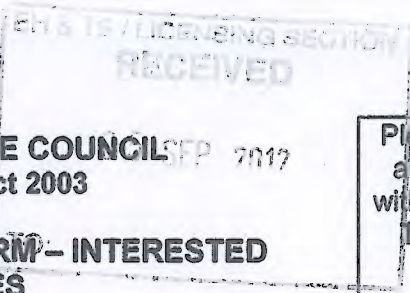
Protect Children from Harm

No comment



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

11/04/17
H



HEREFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM - INTERESTED PARTIES

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

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
[REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about: eg local resident/local business [REDACTED]
Name & Address of premises you are making a representation about: The Crown Inn, Lea, Ross-on-Wye, HR9 7JZ	

DATA PROTECTION ACT 1998. Please indicate by ticking here ...x.. if you are not content for your personal details to be circulated as necessary prior to any hearing .
A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance [REDACTED] On 24 th June they had a live group playing in their garden from 4 – 8pm. It [REDACTED], and they, found the noise level in my garden to be intolerable and were forced to sit inside. I did not consider that this was such a major problem as to warrant complaint at the time, but the same level of noise at the times they have requested their new outside music licence for would constitute a major disturbance and cause me not to have undisturbed use of my own premises. It will, as it did on 24 th June, cause major disturbance [REDACTED]

To Protect Children from Harm

Signed:
Date:



**HEREFORDSHIRE
COUNCIL**

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

**Representation Form – Interested Parties
Suggested Conditions**

Premise:The Crown, Lea **Your name:** [REDACTED]

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

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

To Prevent Crime and Disorder
Public Safety
Prevent Public Nuisance We would not have a problem with music being played indoors up to 11pm.
Protect Children from Harm

	
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Signed:

Date: 5th September 2012

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

ENTRYS / LICENSING SECTION
 RECEIVED
 9 AUG 2012
 TO:

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

DAVID PAUL SPENCER

(Insert name(s) of applicant)

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

Premises licence number PR01008

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE CROWN INN ROSS ROAD LEA			
Post town	ROSS - ON - WYE	Post code	HR9 7JZ

Telephone number at premises (if any)	01989-750407
Non-domestic rateable value of premises	£10500

Part 2 – Applicant details

Daytime contact telephone number	01989 750407		
E-mail address (optional)	difranklyn@yahoo.co.uk		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
I WISH TO ADD A PROVISION FOR RECORDED AND LIVE MUSIC TO TAKE PLACE AT THE PREMISES.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) ON NEW YEARS EVE FROM 12.00 TO 01.00 HRS INDOORS ONLY		
Fri	20.00	23.00			
Sat	20.00	23.00			
Sun	16.00	20.00			

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)		
Mon	12.00	23.00			
Tue	12.00	23.00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	12.00	23.00			
Thur	12.00	23.00			
			<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) ON NEW YEARS EVE FROM 12.00 TO 01.00HRS		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	22.30			

G

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

H

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

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

J

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

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input 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					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations (please read guidance note 4)</u> <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u> ON NEW YEARS EVE FROM 12.00 TO 01.00 HOURS
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

Please tick yes

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

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

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

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

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

THE CROWN INN IS THRIVING AS A FAMILY RUN TRADITIONAL FAMILY FRIENDLY VILLAGE PUB. TO ACHIEVE THIS WE TAKE STAFF TRAINING, CUSTOMER SERVICE AND ALL HEALTH & SAFETY REQUIREMENTS, WHETHER FOR OUR STAFF OR CUSTOMERS VERY SERIOUSLY. THE MANAGERS HERE COME FROM CORPORATE HOSPITALITY BACKGROUNDS WHERE FOOD SAFETY & H&SAFETY RECORD KEEPING REQUIREMENTS FAR EXCEED THE MINIMUM GOVERNMENT REQUIREMENTS AND WE HAVE IMPLEMENTED THESE HIGH STANDARDS HERE AT THE CROWN.

b) The prevention of crime and disorder

WE OPERATE AN OVER 25 ID POLICY, WE HAVE A ZERO TOLERANCE POLICY TO ABUSIVE LANGUAGE AND BEHAVIOUR AND IN PARTICULAR TO ANY CUSTOMER WHO APPEARS TO BE UNDER THE INFLUENCE OF EXCESS ALCOHOL.

c) Public safety

WE HAVE AN EXTENSIVE HEALTH & SAFETY POLICY, WE HAVE IMPLEMENTED A FULL RISK ASSESMENTENT POLICY WHICH IS REVIEWED QUARTERLY. WE HAVE INSTALLED EMERGENCY LIGHTING. WE HAVE A FIRE POLICY IN PLACE, HAVE REGULAR FIRE SAFETY DRILLS AND TESTS AND HAVE JUST PURCHASED ALL NEW FIRE EXTINGUISHERS, SMOKE DETECTORS, BLANKETS AND BELLS.

d) The prevention of public nuisance

WE OPERATE A ZERO TOLERANCE POLICY OF VERBAL AND PHYSICAL ABUSE. WE OPERATE A STRICT BEHAVIOUR CODE AND A ID 25 POLICY. WE DISPLAY SIGNS ASKING OUR CUSTOMERS TO LEAVE THE PREMISES QUIETLY AND TO RESPECT OUR NEIGHBOURS AT THE END OF THE EVENING.

e) The protection of children from harm

CHILDREN MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT AT ALL TIMES AND ARE ONLY ALLOWED IN THE PREMISES AFTER 18.00HRS IF SEATED IN THE RETAURANT OR THE LOUNGE AREAS UP UNTIL 21.00 HOURS.


Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	02/08/12
Capacity	PREMISES LICENCE HOLDER

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

Signature	
Date	
Capacity	

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

--	--

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)			

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 OCTOBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU' – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH AND WELLBEING

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of 'Jailhouse, 1 Gaol Street, Hereford, HR1 2HU'.

Key Decision

This is not a Key Decision.

Recommendation

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

- The steps that are necessary to promote the licensing objectives,
- The police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from West Mercia Police on 13th August 2012

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;

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

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	West Mercia Police represented by Mr J Mooney	
Premise Licence Holder	Steven Lloyd Harrison The Crozens, 114 Eign Street, Hereford, HR1 2RZ	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
Review	13 October 2012	10 September 2012

3 The grounds for the review are:

West Mercia Police are of the opinion that the premises licence holder is failing to promote the licensing objectives – in particular that of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm – due to the level of crime (assaults and drug offences) and disorder that is occurring at the premises.

4 The information submitted to support the grounds stated:

This premises is a medium size night club that is located close to the city centre of Hereford and a short distance from Hereford Police Station.

For a number of years, West Mercia Police have raised concerns with both the premises licence holder (PLH) – Mr Harrison – and the designated premises supervisor (DPS) – Lee Symonds with regard to the effect promotion of the licensing objectives and in particular issues regarding crime, disorder and the misuse of illegal drugs. This has resulted in warning letters being sent with an expectation that matters would improve. Additionally there was an expectation that the premises licence holder would put in place – either voluntary, or through a licence variation application – necessary steps to further promote the licensing objectives.

The premises has a history of persons attending the venue to use or provide illegal drugs to others. It also has a history of drink related disorder in or near to the venue as a result of guests leaving the venue. It is fair to say that both responsible persons for the premises have worked hard to change this view.

Below you will see a list of incidents that have come to the attention of West Mercia Police and also a list of interventions by the police with the premises licence holder.

This review is launched as a result of the catalogue of incidents and in particular the last matter dated 04 August 2012. This last incident concerns a report of 3 young males being found inside the club suffering the effects of drug misuse. All three are suspect of taking a drug called ketamine – this is a class B controlled substance and is described as a hallucinogenic ‘high’. All three were taken from the club by ambulance. As a result of this, a short time later a male was detained inside the club in possession of a number of packets of drugs called ‘ketamin’. This male was also suffering from the effects of taking this controlled substance.

This latest incident is viewed as a serious matter. As a consequence a meeting was held on the 08 August 2012, with both the PLH and DPS. The meeting identified a number of concerns over how the premises operate. When asked it was clear that no steps had been put in place to address any potential matter of a similar nature, when the premises opened the next evening for licensable activities.

West Mercia Police are voicing their concerns over the competence of the DPS to manage and control the premises and therefore promote the licensing objectives.

They have further concerns over the abilities of the door supervision team to operate in an effect manner and regarding the low number of door supervisors required by the premises licence.

It is recognised that when issues are raised with the PLH, steps are taken to address concerns being raised. However this is viewed as a reactive step and not a proactive approach in order to promote the licensing objectives.

Further information is provided within the application

5 **Current Licence**

In brief the current licence authorises

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

Monday: 12:00 - 01:30;

Tuesday-Thursday: 12:00 - 02:00;

Friday-Saturday: 12:00 - 03:00;

Sunday: 12:00 - 01:00

Provision of late night refreshment

Monday: 23:00 - 02:00;

Tuesday-Thursday: 23:00 - 02:30;

Friday-Saturday: 23:00 - 03:00;

Sunday: 23:00 - 01:30

Key Considerations

6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and

- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

7 There is likely to be little outcome on the Community.

Legal Implications

- 8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

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

Appendices

- 12 a. Application Form

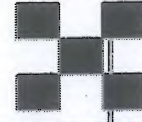
Background Papers

Background papers are available for inspection in Meeting Room 22a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



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TO / LICENSING SECTION
RECEIVED

13 AUG 2012

TO:

**Application for the Review of a Premise Licence or Club
Premise Certificate under the Licensing Act 2003**

*Delete as appropriate

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 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, **David Shaw**, the Chief Officer of West Mercia Police, apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 Premise or Club Premise details

Postal address of Premise/Club Premise (if none, Ordnance Survey map location or description)

**Jail House
Gaol Street**

Post Town Hereford

Post Code HR1 2HU

Name of Premise Licence Holder or Club holding Club Premises Certificate (if known)

Stephen Lloyd Harrison

Number of Premise Licence or Club Premise Certificate (if known)

PR01136



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(B) Details of Other Applicants
Name & Address
Telephone Number
E-mail address
(C) Details of Responsible Authority Applicants
James Mooney Police Licensing Officer Hereford Police Station Bath Street Hereford. HR1 1TA
Telephone Number 01432 347102
E-mail address herefordandworcesterlicensing@westmercia.pnn.police.uk

This Application to Review Relates to the following Licensing Objective(s): -	
Please tick one or more boxes	
1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public Safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. Protection of Children from Harm	<input checked="" type="checkbox"/>



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Please state the Grounds for Review

(Guidance Note 1 applies)

West Mercia Police are of the opinion that the premises licence holder is failing to promote the licensing objectives – in particular that of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm – due to the level of crime (assaults and drugs offences) and disorder that is occurring at the premises



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This premises is a medium size night club that is located close to the city centre of Hereford and a short distance from Hereford Police Station.

For a number of years, West Mercia Police have raised concerns with both the premises licence holder (PLH) – Mr Harrison – and the designated premises supervisor (DPS) – Lee Symonds with regards to the effect promotion of the licensing objectives and in particular issues regarding crime, disorder and the misuse of illegal drugs. This has resulted in warning letters being sent with an expectation that matters would improve. Additionally there was an expectation that the premises licence holder would put in place – either voluntarily, or through a licence variation application – necessary steps to further promote the licensing objectives.

The premises has a history of persons attending the venue to use or provide illegal drugs to others. It also has a history of drink related disorder in or near to the venue as a result of guests leaving the venue. It is fair to say that both responsible persons for the premises have worked hard to change this view.

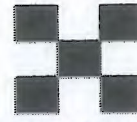
Below you will see a list of incidents that have come to the attention of West Mercia Police and also a list of interventions by the police with the premises licence holder.

This review is launched as a result of the catalogue of incidents and in particular the last matter dated 04 August 2012. This last incident concerns a report of 3 young males being found inside the club suffering the effects of drugs misuse. All three are suspect of taking a drug called ketamin – this is a class B controlled substance and is described as a hallucinogenic 'high'. All three were taken from the club by ambulance. As a result of this, a short time later a male was detained inside the club in possession of a number of packets of drugs called 'ketamin'. This male was also suffering from the effects of taking this controlled substance.

This latest incident is viewed as a serious matter. As a consequence a meeting was held on the 08 August 2012, with both the PLH and DPS. The meeting identified a number of concerns over how the premises operate. When asked it was clear that no steps had been put in place to address any potential matters of a similar nature, when the premises opened the next evening for licensable activities.

West Mercia Police are voicing their concerns over the competence of the DPS to manage and control the premises and therefore promote the licensing objectives.

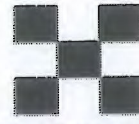
They have further concerns over the abilities of the door supervisor team to operate in an effect manner and regarding the low number of door supervisors required by the premises licence.



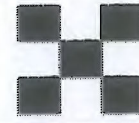
It is recognised that when issues are raised with the PLH, steps are taken to address concerns being raised. However this is viewed as a reactive step and not a proactive approach in order to promote the licensing objectives

RECORD OF INCIDENTS – BEGINNING OF 2011 TO 10/08/12

	Date	Time	Description
1	04/08/12	0250	DRUGS. Male detained suspicion of possession of a controlled substance. Male also under the effect of taking drugs. Arrested connected with (2) below
2	04/08/12	0115	DRUGS. 3 males found inside the premises under the effect of drugs, suspicion that they had taken ketamin. Ambulance called and all three taken to hospital
3	17/07/12		DRUGS. 3 rd party report that a female had been to the premises and believed that her drink had been 'spiked' with drugs. No police investigation, PLH informed of the incident.
4	14/07/12	0254	DISORDER. Disorder inside the premises – established that parties involved used to be in a relationship and had fallen out in the club. Both ejected by the staff at the club, both continued to argue, police attended and dispersal notices issued
5	30/06/12	0201	DISORDER. Call via city CCTV control room. Male ejected from club after a fight broke out. Male remained outside the club and was seen to assault another. Male arrested
6	16/06/12	0430	DISORDER. Staff at the club reporting disorder inside the premises. Two males ejected from the club, where one assaulted another, male refused to make a complaint
7	16/06/12	0225	DRUGS. Report via ambulance service that they were attending the premises after a report that a male had collapsed through drug misuse. Male not found.
8	10/06/12	0056	DISORDER. Call via city CCTV control room, male outside premises, alleging that he had been assaulted. Male perceived to be extremely drunk and with no visible injuries. Male left the area with friends
9	01/06/12	2348	DRUGS. Staff reporting that they had detained a male inside the premise using what they believed to be cocaine. Male appeared to be under the influence of an illegal drug – male searched by police, nothing found



10	20/05/12	0100	DRUGS. Staff detained two males inside premises – found with two lines of a white powder on a surface inside the male toilets. One male arrested
11.	19/05/12	0221	DISORDER/DRUGS. Call via city CCTV control room – male acting aggressive towards door staff. Male acting as if either drunk or under the influence of an illegal drug. Male arrested for disorder
12	10/04/12	22588	DISORDER. Pre planned 'teen night' occurring at the premises (restricted to under 18's with no alcohol sold). Police attended a number of incidents near to the premises, of young people under the influence of alcohol
13	10/03/12	0025	DRUGS. Staff detained a male in possession of illegal drugs. Male arrested
14	26/02/12	0000	Items of identification handed to the police. Items used by young people attempting to gain entry to the premises whilst under the age of 18. Matters not reported to the police at the time they occurred.
15	26/02/12	0147	DISORDER. Staff reporting a male setting off fire extinguishers inside the premises. Male arrested
16	27/12/11	0317	DISORDER. Street disorder by revellers leaving the premises – dispersal notices issued
17	24/12/11	0600	DISORDER. Street disorder by revellers leaving the premises – 2 arrests for disorder and dispersal notices issued
18	16/12/11	2313	DISORDER. Disorder in the alley leading to the premises – 2 arrests
19	05/11/11	0203	DISORDER. Disorder outside the premises – 1 arrest and other parties dispersed
20	05/11/11	0148	DRUGS. Staff detained male with tablets believed to illegal drugs – later established to be herbal tablets
21	24/10/11	0104	DISORDER. Assault at premises – 1 arrest
22	22/10/11	0100	6 items of identification handed to the police – seized from young people attempting to gain entry to the premises. No reported to the police at the time of the occurrences
23	15/10/11	0100	DISORDER. Disorder at the premises, parties ejected and continued to fight. Dispersal notices issued
24	10/10/11	0200	DRUGS. Staff detained male found in possession of illegal drugs. 1 arrest
25	25/09/11	0145	DISORDER. Disorder outside the premises –



			parties dispersed by officers
26	20/08/11	0200	DRUGS. Staff detained male in possession of illegal drugs. 1 arrest
27	11/07/11	2220	Staff stopped a female attempting to gain entry to premises with another's ID document. 1 arrest
28	30/05/11	0300	DISORDER. Disorder outside premises – parties involved then went into the premises where one assaulted another. 1 arrest
29	30/05/11	0134	DISORDER. Disorder outside premises, dispersal notices issued
30	21/05/11	0220	DRUGS. Staff detained a male in possession of illegal drugs. 1 arrest.
31	21/05/11	0210	DISORDER. Assault inside the premises – 1 arrest
32	21/05/11	0134	DISORDER. Disorder outside the premises – 1 arrest.
33	20/05/11	2330	DRUGS. Staff detained a male in possession of an illegal substance – believed to be cannabis. 1 arrest
34	13/05/11	2350	DRUGS. Staff detained one male in possession of illegal substance – tablets and powder. 1 arrest
35	09/04/11	0154	DRUGS. Ambulance attending a report of male collapsed outside the premises – believed through the misuse of a controlled drug
36	09/04/11	0110	DRUGS. Staff detained a male in possession of powder. Later established to be illegal drugs. 1 arrest
37	27/03/11	0300	DISORDER. Domestic assault at the premises. Parties reluctant to make a complaint. Warnings given
38	19/03/11	0413	DISORDER. Staff reporting a female being disorderly at the front of the premises. Female warned
39	12/03/11	0305	DISORDER. Disorder inside the premises. 1 arrest
40	06/03/11	0319	DISORDER. Disorder at the front of the premises. Parties warned
41	20/02/11	2306	Female detained with another's item of ID. Female warned
42	19/02/11	2357	DRUGS. Staff detained one male in possession of an illegal substance. 1 arrest
43	30/01/11	0140	DISORDER. Assault inside the premises – DJ punched in the face
44	22/01/11	0041	DRUGS. Ambulance attended a report of a collapsed male. Believed to have taken an



			illegal substance
45	15/01/11	0141	DRUGS. Staff detained a male in possession of an illegal substance – 1 arrest
	2010		A total of 32 incidents were reported and recorded by West Mercia Police as being connected to the premises. 09 of these incidents involve issues concerning drugs 23 of these incidents concern both crime and disorder.

Police interventions with premises licence holder.

	Date	Comments
1	03/02/11	Visit and inspection by officers of the licensing authority – follow up warning letter sent regards non compliance of licence conditions
2	18/04/11	Police warning letter regarding level of disorder and drugs incidents
3	18/05/11	Police follow up letter regarding drugs issues at the premises
4	12/01/12	Police warning letter regarding irresponsible drinks promotions
5	08/08/12	Meeting at premises with DPS/PLH regarding drugs issues.

The impact of crime and disorder resulting from this venue has an impact on the community in Hereford. It also impacts on the resilience of the police and the National Health Service – in particular the services provided at the Hereford county Hospital Accident and Emergency Department.

West Mercia Police are of a view that the premises licence holder has failed to effectively promote the licensing objectives with regards the promotion of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm



West Mercia POLICE



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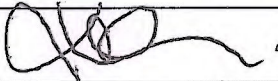
<p>Have you made application to Review this Premise Licence before</p>	<p>Yes or No (Delete as applicable)</p>					
<p>If "yes" please state the date of that application</p>	D	D	M	M	Y	Y
<p>If you have made representations before relating to this premise please state what they were and when you made them</p>						
						<p>Please tick</p>
<ul style="list-style-type: none"> ▪ I have sent copies of this form and enclosures to the responsible authorities and the premise licence holder or club holding the club premise certificate, as appropriate 						<p>X</p>
<ul style="list-style-type: none"> ▪ I understand that if I do not comply with the above requirements, my application will be rejected 						<p>X</p>
<p>IT IS AN OFFENCE, LIABLE UPON 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</p>						



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Part 3 – Signatures (Please see Guidance Note 3)	
Signature of Applicant or Applicant’s Solicitor or other duly authorised person (see Guidance Note 4). If signing on behalf of the applicant please state in what capacity	
Signature	Jim Mooney. 
Date	13 August 2012.
Capacity	Police Licensing Officer
Contact name (where not previously given) and postal address for correspondence associated with this application (Please read Guidance Note 5)	
Post Town	Post Code
Telephone Number	
E-mail address	
Notes for Guidance	
<ol style="list-style-type: none"> 1. The Grounds for Review must be based upon one or more of the Licensing Objectives 2. Please list any additional information or information, 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 a Solicitor, may sign the form on their behalf provided they actually have the authority to do so. 5. This is the address which we shall use to correspond with you about this application. 	

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 OCTOBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'SPREAD EAGLE, 2 KING STREET, HEREFORD, HR4 9BW' – LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH AND WELLBEING

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of the 'Spread Eagle, 2 King Street, Hereford, HR4 9BW'.

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 Licensing Authority's application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Licensing Authority on 7th August 2012
- Two (2) Representations received (from the police and trading standards).

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;

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

- to exclude a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council as the Licensing Authority represented by Mr F Spriggs	
Premise Licence Holder	Enterprise Inns PLC 3 Monks Path, Hall Road, Solihull, West Midlands, B90 4SJ	
Solicitor	Richard Taylor – Gosschalks	
Type of application: Review	Date received: 8th August 2012	28 Days consultation 4th September 2012

3 The grounds for the review are:

The premises is a public house situated on the edge of Hereford City.

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.

4 The information submitted to support the grounds stated:
During the evening of Friday 3rd August 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 14 year old male and a 15 year old female were sold 2 bottles of Bulmers original cider 4.5% vol.

No challenge was made in respect of age.

The current DPS has been at the premises since May 2011.

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

reviewed.

5 **Current Licence**

The current licence authorises:
Performance of a play; Other regulated entertainment
Monday-Friday: 19:00 - 23:00
Saturday-Sunday: 12:00 - 23:00

An exhibition of a film
Monday-Friday: 09:00 - 00:30
Saturday-Sunday: 09:00 - 02:30

A performance of live music
Monday-Sunday: 14:00 - 22:30

Any playing of recorded music; Making music; Dancing
Friday-Saturday: 23:30 - 02:30

Sale by retail of alcohol
Monday-Wednesday and Sundays: 10:00 - 00:00
Thursday: 10:00 - 01:00
Friday-Saturday: 10:00 - 02:00

Key Considerations

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

Community Impact

- 7 There is likely to be little outcome on the Community.

Legal Implications

- 8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 10 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 11 The notice of review was displayed on the premises which invited representation. The notice

was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 12 a. Application Form
- b. Copy of Police Representations
- c. Copy of Trading Standards Representation

Background Papers

Background papers are available for inspection in Meeting Room 22a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

**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	
Spread Eagle 2 King Street	
Post town Hereford	Post code (if known) HR4 9BW

Name of premises licence holder or club holding club premises certificate (if known)
Enterprise Inns Plc

Number of premises licence or club premises certificate (if known)
PR00522

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) 01432 260105
E-mail address (optional) Licensing@herefordshire.gov.uk

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

Please tick one or more boxes

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

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

The premises is a public house situated on the edge of Hereford City..

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 Friday 3rd August 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 14 year old male and a 15 year old female were sold 2 bottles of Bulmers original cider 4.5% vol.

No challenge was made in respect of age.

The current DPS has been at the premises since May 2011.

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 6th August 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@westmercia.pnn.police.uk]
Sent: 17 August 2012 09:44
To: Licensing
Subject: Spread Eagle, King Street, Hereford - review application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a review application submitted by Herefordshire Council Licensing Authority acting as a responsible authority, with regards to the **Spread Eagle, King Street, Hereford.**

This review has been submitted as a result of an underage sale of alcohol, this is the second occasion that an underage sale has taken place at this premise since 2010. It is disappointing that the holder of the premises licence has failed to apply relevant procedures to ensure that necessary training has been put in place to prevent it re occurring.

You will be aware that West Mercia Police wrote to the premises licence holder at the end of 2011, after a meeting with staff at the premises, and in order to assist the premises licence holder with regards to ensure compliance of the licence through a suggested 'minor variation application'. This letter was not acknowledged or addressed by the premises licence holder.

West Mercia Police support this review application. However it is our view that the concerns raised are addressed by applying new conditions to the premises licence. As such West Mercia Police has the following representations that are proportionate, necessary, achievable and enforceable with regards to the promotion of the licensing objectives.

1. The Designated Premises Supervisor shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
2. 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 other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. The training shall include:
 - Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunksTraining records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of 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 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated.

These are the minimum conditions West Mercia Police would wish to see applied to this premises licence as a result of the 'under sale of alcohol'.

I would urge the premises licence holder to look at the additional existing conditions attached to the premises licence to ensure that that they are proportionate, necessary, achievable and enforceable with regards to the promotion of the licensing objectives. It is the view of West Mercia Police that many of the current conditions do not achieve this and are restrictive with regards to how the premise wishes to operate. This view is submitted to assist the premises licence holder and to reiterate the contents of the letter sent in 2011.

Regards

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

From: Hough, David
Sent: 17 August 2012 10:41
To: 'Alex Green'
Cc: Licensing; Corfield, Claire
Subject: RE: Spread Eagle Public House, Hereford. [GOSS-IMANAGE.FID2340620]

Attachments: Standard conditions.doc

Hi Alex,

I have attached the wording of the three conditions as you have indicated.

If the minor variation is submitted with the conditions trading standards will request the review to be withdrawn. I have been informed by the licensing team that they will be happy with these conditions.

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

Council's Homepage www.herefordshire.gov.uk

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From: Alex Green [mailto:agx@gosschalks.co.uk]
Sent: 17 August 2012 10:06
To: Hough, David
Cc: 'paul.haley@enterpriseinns.com'; Janet Braithwaite
Subject: Spread Eagle Public House, Hereford. [GOSS-IMANAGE.FID2340620]

Hi David

Good to talk to you yesterday.

As per our discussion, can you please confirm that as far as Trading Standards are concerned, if Enterprise Inns PLC were to submit a minor variation to include the following three conditions, you would be happy for this to not proceed any further:

1. Operate a Challenge 25 policy;
2. Maintain a written register of refusals;
3. All bar staff to be trained to BIIAB Level 1 (or equivalent).

Hopefully the above three conditions are enough to satisfy the Licensing Authority (applicant) as well.

As discussed, I have spoken to Jim Mooney and it seems that the police will be putting in a representation as they have some concerns. Jim doesn't want this to go to a hearing but would like the licence tidied up to prevent any minor breaches taking place as he believes they are currently in breach due to the 'old fashioned' licence conditions.

The minor variation therefore will not be submitted until we receive the representation from the police and we will proceed from there.

Enjoy your week off.

Kind regards

Alex

Alex Green | Trainee Solicitor | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

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