

# AGENDA

## Regulatory Sub Committee

Date: **Monday 8 December 2014**

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Time: **11.00 am**

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Place: **The Shire Hall St Peter's Square Hereford HR1 2HX**

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

For any further information please contact:

**Clive Lloyd, Governance Services**

Tel: 01432 260249

Email: [Clive.lloyd@herefordshire.gov.uk](mailto:Clive.lloyd@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail [Clive.lloyd@herefordshire.gov.uk](mailto:Clive.lloyd@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor Brig P Jones CBE

Councillor A Seldon

Councillor P Sinclair-Knipe

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>4. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>5. CHAIRMANS ANNOUNCEMENTS</b> To receive any announcements by the Chairman	
<b>6. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'THE LIVE AND LET LIVE, WHITBOURNE, WR6 5SP' - LICENSING ACT 2003</b> To consider an application for the grant of a premises licence in respect of 'The Live and Let Live, Whitbourne, WR6 5SP'. <ul style="list-style-type: none"><li>• <b>LIVE &amp; LET LIVE PREMISES APPLICATION</b></li><li>• <b>PUBLIC REPRESENTATION 1</b></li><li>• <b>PUBLIC REPRESENTATION 2</b></li><li>• <b>PUBLIC REPRESENTATION 3</b></li><li>• <b>PUBLIC REPRESENTATION 4</b></li><li>• <b>PUBLIC REPRESENTATION 5</b></li><li>• <b>WEST MERCIA POLICE, TRADING STANDARDS, ENVIRONMENTAL HEALTH OFFICER CONDITIONS AGREED BY THE APPLICANT</b></li></ul>	9 - 56



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### **YOU HAVE A RIGHT TO: -**

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

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## **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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

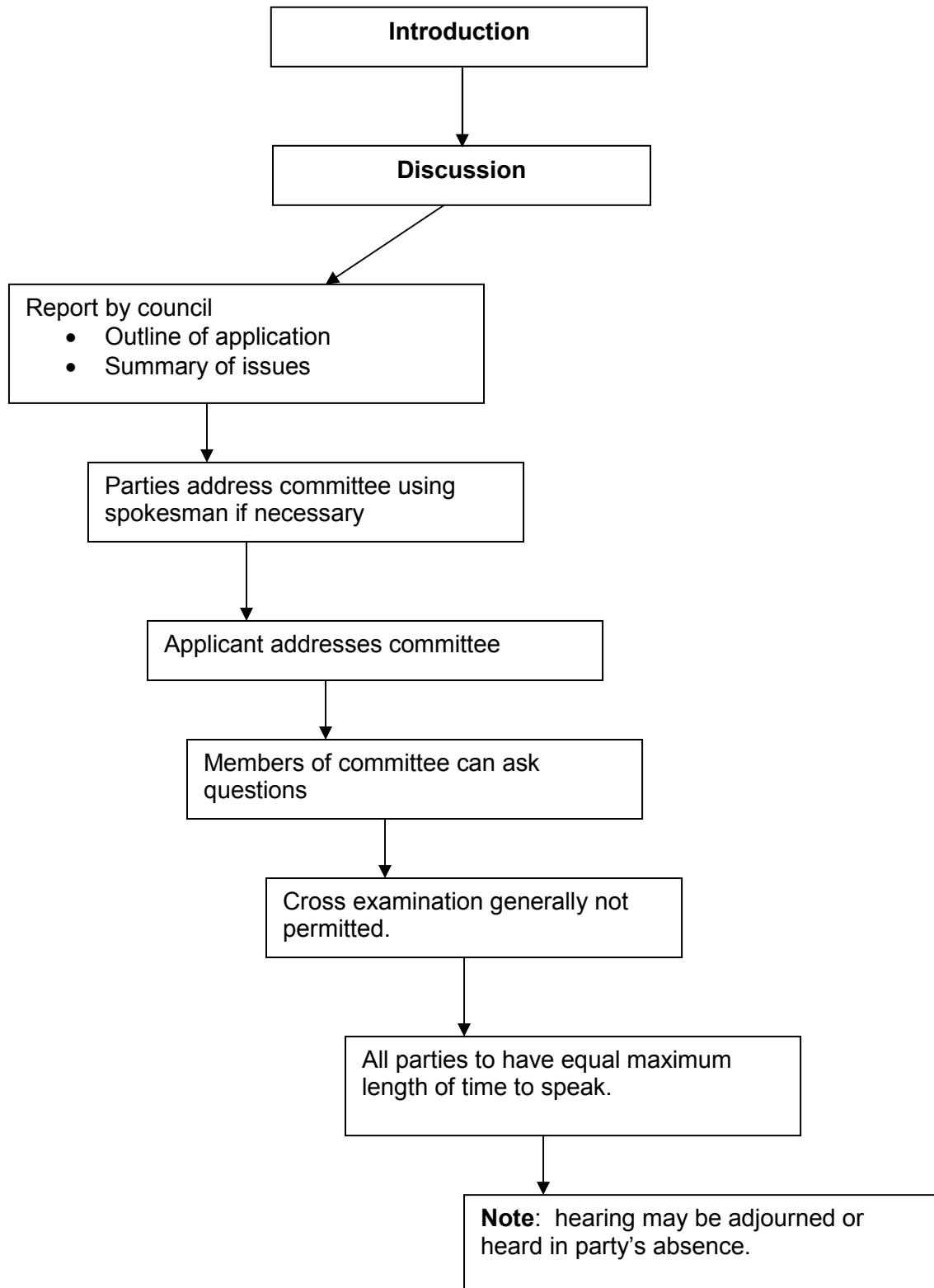
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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

## Licensing Hearing Flowchart







<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'THE LIVE AND LET LIVE, WHITBOURNE, WR6 5SP' – LICENSING ACT 2003</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision

### 3. Wards Affected

Whitbourne

### 4. Purpose

To consider an application for the grant of a premises licence in respect of 'The Live and Let, Whitbourne, WR6 5SP.

### 5. Recommendation(s)

**THAT**

**The 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 appropriate 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.

## 6. Key Points Summary

- The application requests the granting of a new premises licence for a Public House which has previously been licensed up until the 16.4.13.
- The Police, Trading Standards and the EHO have both made representation in respect of the application. All of these representations have been agreed.
- The Licensing Authority has accepted five (5) representations from members of the public.
- The agreed responsible authority representations have been sent to the five members of the public.
- The Licensing Authority rejected two (2) representations from members of the public and one (1) from the parish council as not being relevant.

## 7. Options

There are a number of options open to the Sub-Committee:

- 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 appropriate 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.

## 8. Reasons for Recommendations

To ensure compliance with the legislation.

## 9. Introduction and Background

### Background Information

Applicant	<b>Richard Keith Hill</b> <b>Clifton Lodge, Tedstone Delamere, Bromyard, HR7 4PR</b>
Solicitor	<b>Heath Thomas, Harrison Clarke, Worcester</b>

Type of application: <b>New</b>	Date received: <b>18<sup>th</sup> October 2014</b>	28 Days consultation ended <b>14<sup>th</sup> November 2014</b>
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## 10. Licence Application

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

## 11. Summary of Application

The application requests the following licensable activities:

Live and Recorded Music (Indoors only)	1200 – Midnight	All days of the week
Supply/Sale of Alcohol	1030 – Midnight	All days of the week

Non-standard Timings – An additional hour on Christmas Eve and New Years Eve

## 12. Summary of Representations

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

Representations have been made by:

**Three (3) of the Responsible Authorities (Police, Trading Standards and Environmental Health ) – all these have been agreed.**

The Licensing Authority has accepted **five (5)** representations from members of the **public**.

The Licensing Authority rejected two (2) representations from members of the public and one (1) from the parish council as not being relevant.

## 13. Key Considerations

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

## 14. Equality and Human Rights

No implications have been identified.

## 15. Financial Implications

There are unlikely to be any financial implications at this time to the authority.

## 16. Community Impact

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

## 17. Legal Implications

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.

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

In this case it was summed up that: -

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

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.

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.

## 18. Right of Appeal

Schedule 5 gives a right of appeal which states:

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).

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.

## **19. Consultees**

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

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.

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.

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

## **20. Risk Management**

No risk identified

## **21. Appendices**

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

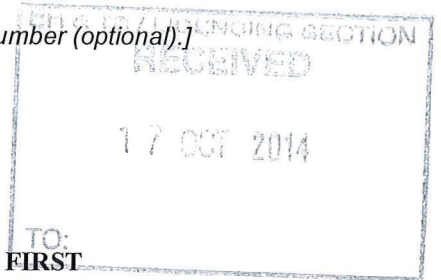
## **22. Background Papers**

Background papers were available for inspection in Committee Room 1, Shirehall, Hereford, HR1 2HX 30 minutes before the start of the hearing.



PRO1656

[Insert name and address of relevant licensing authority and its reference number (optional).]



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We RICHARD KEITH HULL  
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE LIVE AND LET LIVE WHITBOURNIE WORCESTER			
Post town		Postcode	WR6 5SP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6,850

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>HILL</i>			First names <i>RICHARD KEITH</i>		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post town		[REDACTED]			
Daytime contact telephone		[REDACTED]			
E-mail address (optional)		[REDACTED]			



**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
A	5	11 11 11 11

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

DD	MM	YYYY
1	1	1 1 1 1 1 1 1 1

Please give a general description of the premises (please read guidance note 1)

*PUBLIC HOUSE WITH FOOD AND FUNCTION ROOM. THE PREMISES HAS BEEN IDENTIFIED AS A COMMUNITY HUB, AND IS SITUATED ON THE OUTSKIRTS OF WHEATBOURNE.*

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

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

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

- |  |  |
|--|--|
| <p>Provision of regulated entertainment</p> <ul style="list-style-type: none"> <li>a) plays (if ticking yes, fill in box A)</li> <li>b) films (if ticking yes, fill in box B)</li> <li>c) indoor sporting events (if ticking yes, fill in box C)</li> <li>d) boxing or wrestling entertainment (if ticking yes, fill in box D)</li> <li>e) live music (if ticking yes, fill in box E)</li> <li>f) recorded music (if ticking yes, fill in box F)</li> <li>g) performances of dance (if ticking yes, fill in box G)</li> <li>h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)</li> </ul> | <p>Please tick any that apply</p> <ul style="list-style-type: none"> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> </ul> |
|--|--|

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

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

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><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></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	12:00	00:00	<i>BOTH AMPLIFIED AND UN-AMPLIFIED MUSIC TO BE PERFORMED. PROVIDED FOR BOTH PATRONS BUT ALSO FOR FUNCTIONS I.E. WEDDING / BIRTHDAY EVENTS</i>		
Tue	12:00	00:00			
Wed	12:00	00:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	12:00	00:00			
Fri	12:00	00:00	<b>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</b> (please read guidance note 5)		
Sat	12:00	00:00	<i>12:00 - 01:00 CHRISTMAS EVE AND NEW YEARS EVE</i>		
Sun	12:00	00:00			

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <b>indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 3) <i>TO ALLOW FOR DJ'S / DISCO'S TO BE PROVIDED FOR FUNCTION EVENTS</i>	Both	<input type="checkbox"/>
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	12:00	00:00			
Fri	12:00	00:00	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 (please read guidance note 5) <i>12:00- 01:00 CHRISTMAS EVE AND NEW YEARS EVE</i>		
Sat	12:00	00:00			
Sun	12:00	00:00			



**G**

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

# H

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





**I**

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  <i>None</i>		
Mon	<i>10:30</i>	<i>00:00</i>			
Tue	<i>10:30</i>	<i>00:00</i>			
Wed	<i>10:30</i>	<i>00:00</i>			
Thur	<i>10:30</i>	<i>00:00</i>			
Fri	<i>10:30</i>	<i>00:00</i>			
Sat	<i>10:30</i>	<i>00:00</i>			
Sun	<i>10:30</i>	<i>00:00</i>	<b>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</b> (please read guidance note 5)  <i>10:30 - 01:00 CHRISTMAS EVE AND NEW YEARS EVE</i>		
Thur	<i>10:30</i>	<i>00:00</i>			
Fri	<i>10:30</i>	<i>00:00</i>			
Sat	<i>10:30</i>	<i>00:00</i>			
Sun	<i>10:30</i>	<i>00:00</i>			

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

Name	<i>RICHARD VIEZTH HELL</i>
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:30	00:00	<p>NONE</p> <hr/> <p><b>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</b> (please read guidance note 5)</p> <p>10:30 - 01:00 CHRISTMAS EVE AND NEW YEARS EVE</p>
Tue	10:30	00:00	
Wed	10:30	00:00	
Thur	10:30	00:00	
Fri	10:30	00:00	
Sat	10:30	00:00	
Sun	10:30	00:00	

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

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

STAFF SHALL UNDERGO TRAINING IN AGE VERIFICATION AND/OR UNDERAGE SALES PREVENTION, AND DRUGS AWARENESS.  
APPROPRIATE SIGNAGE WILL ALSO BE DISPLAYED IN RELATION TO DRUGS

b) The prevention of crime and disorder

CCTV SHALL BE MAINTAINED IN ACCORDANCE WITH POLICE REQUIREMENTS.  
RECORDINGS WILL COVER THE MAIN BAR AREA AND SERVING AREA. THE RECORDINGS SHALL BE KEPT FOR A MINIMUM OF 31 DAYS AND BE MADE AVAILABLE IMMEDIATELY ON REQUEST BY A POLICE OFFICER OR AUTHORIZED OFFICER. AN INCIDENT LOG LOG SHALL BE MAINTAINED FOR INSPECTION, AND ALL INCIDENTS OF CRIME AND DISORDER REPORTED PROMPTLY TO POLICE

c) Public safety

ALL FIRE SAFETY EQUIPMENT WILL BE MAINTAINED IN ACCORDANCE WITH THE REQUIRED REGULATION, WITH CERTIFICATES OF MAINTENANCE RETAINED FOR INSPECTION.  
PUBLIC AREAS AND CONVENIENCES WILL BE REGULARLY CLEANED AND CLEARED OF ANY POTENTIAL OBSTRUCTIONS.

d) The prevention of public nuisance

NOTICES WILL BE DISPLAYED PROMINENTLY TO REMIND PATRONS TO LEAVE THE PREMISES QUIETLY IN RESPECT OF NEIGHBOURS TO THE PREMISES TO REDUCE THE POTENTIAL FOR NOISE NUISANCE.  
IN ADDITION 'BOTTLE BENS' SHALL NOT BE EMPTIED INTO THE PREMISES MAIN BIN PRIOR TO 9AM, WITH THE AREA IMMEDIATELY IN FRONT OF THE MAIN ENTRANCE AND THE CAR PARK KEPT FREE FROM LITTER.

e) The protection of children from harm

A CHALLENGE 25 POLICE WILL BE IN PLACE WITH A REFUSAL TO SERVE LOG MAINTAINED FOR INSPECTION, AND APPROPRIATE SIGNAGE WILL BE PLACED TO DETER THE ATTEMPTED SERVICE BY A MEMBER.

**Checklist:**

Please tick to indicate agreement

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	[REDACTED]
Date	14/10/14
Capacity	AGENT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	
Telephone number	
If you would prefer	

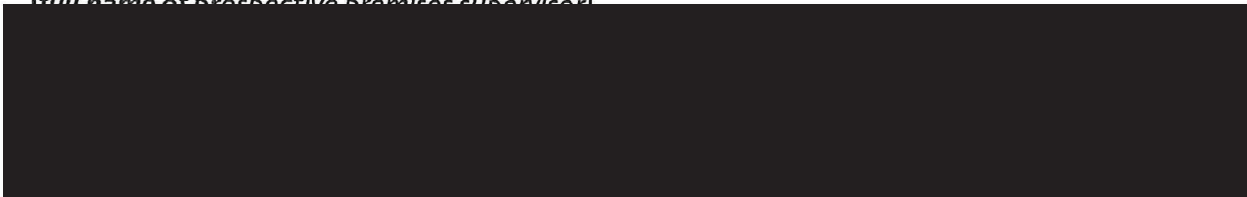
**Notes for Guidance**

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



Consent of individual to being specified as premises supervisor

I Richard Hill  
[full name of prospective premises supervisor]



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premise licence [type of application]

by Richard Hill [name of applicant]

relating to a premises licence [number of existing licence, if any]

for hire and let hire Whitborne  
Worcestershire WR6 5SP

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by Richard Keith Hill [name of applicant]

concerning the supply of alcohol at hire and let hire  
Whitbourne, Worcestershire, WR6 5SP

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number [REDACTED]  
[insert personal licence number, if any]

Personal licence issuing authority [REDACTED]  
[insert name and address and telephone number of personal licence issuing authority, if any]



R Hill name (please print)

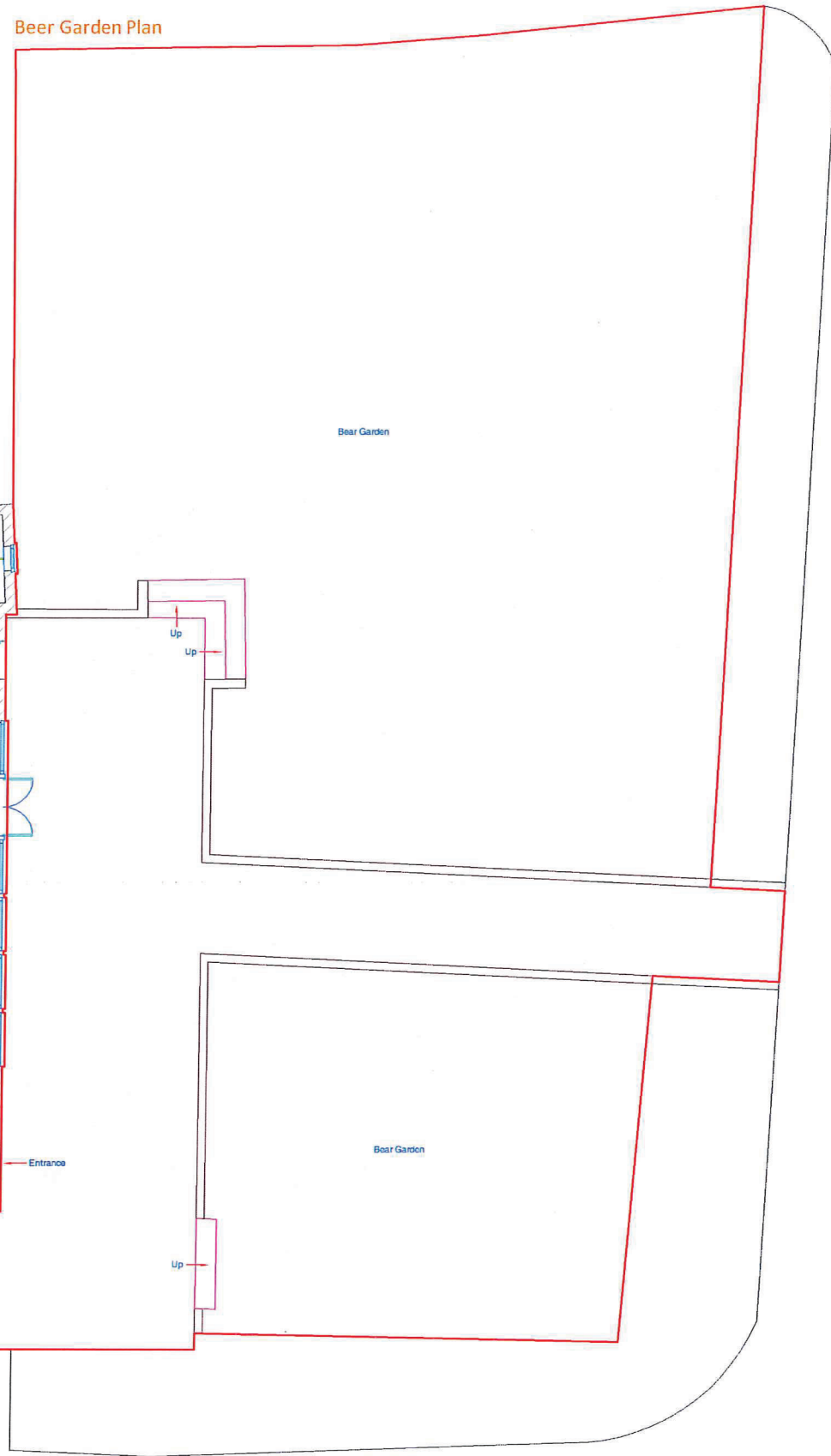
28-9-14 dated

Notes:  
 This drawings have been produced to the standards set out within the Licensing Act 2003.  
 No deviation may be made from the details shown on this drawing without prior written permission of UK Surveyors. Any discrepancy found between this drawing and any other document should be referred immediately to UK Surveyors.  
**IF IN ANY DOUBT PLEASE ASK.**  
 All rights described in chapter 17 of copyright, design and Patents Act 1988 have been generally asserted.

**Fire/Security Symbols**

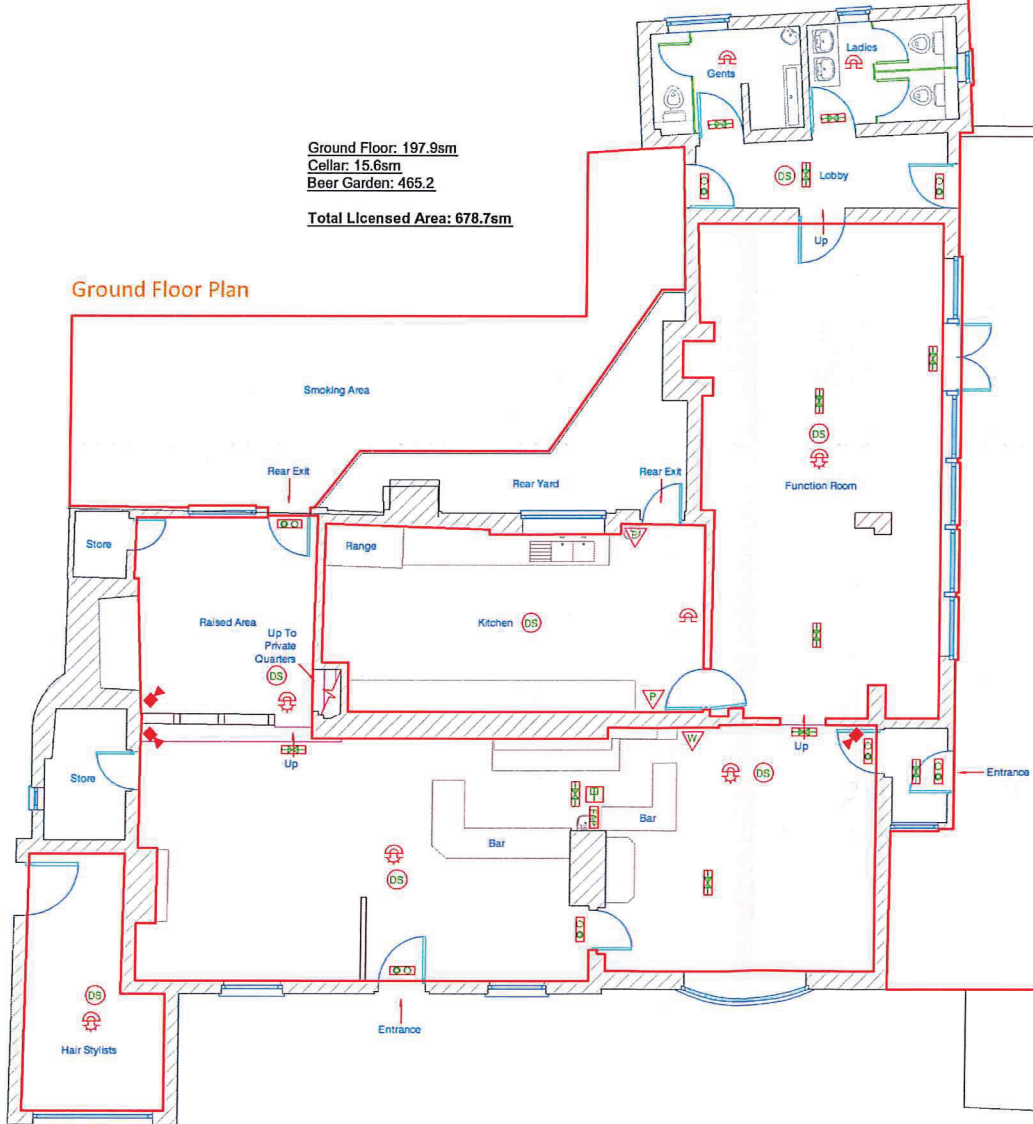
- : Smoke Detector
- : Manual Call Point
- : Linear Luminaire Shelf Contained, Emergency
- : Internally Illuminated Exit Sign
- : Sounder & Warning Beacon
- : Sounder
- : Fire extinguisher Water
- : Fire extinguisher Powder
- : Fire Alarm Panel
- : CCTV
- : Licensed Area

Beer Garden Plan

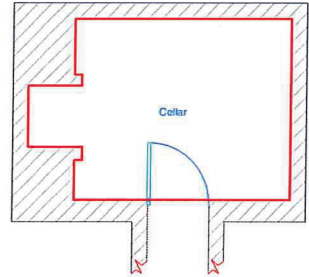


Ground Floor: 197.9sm  
 Cellar: 15.6sm  
 Beer Garden: 465.2  
 Total Licensed Area: 678.7sm

Ground Floor Plan



Cellar Plan



Scale: 1:100 @ A3

Drawing No: 002848	Drawing Title: Premises Licensing Plan	Drawing: Live & Let Live Public House, Whitbourne, Worcester, Worcestershire, WR6 6SP	Date: 10/10/2014	Sheet: 1 of 1
<b>UK Surveyors Ltd</b>			Do not scale off this plan	
100, Commercial Gateway & Avenue, Litchfield, Warwickshire, CV47 9JG Tel: 01454 490540 Email: enquiries@uksurveyors.net Website: www.uksurveyors.net Website: www.licensingplans.co.uk			Drawn By: BC & DJR	Scale: 1:100 @ A2

HEREFORDSHIRE COUNCIL  
Licensing Act 2003

REPRESENTATION FORM – INTERESTED  
PARTIES

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

When completing this form please print clearly and legibly.

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

<b>Your Name:</b> Mrs P.E.Wright	<b>Contact Telephone No.</b> 01886821937
<b>Address:</b> 6 Old Forge Whitbourne Worcester WR6 5SB	<b>E-mail address:</b>
	<b>Please state your interest in the premises you are making a representation about:</b> Local resident. eg local resident/local business
<b>Name &amp; Address of premises you are making a representation about:</b> The Live and Let Live, Whitbourne WR6 5SP	

**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:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>
<b>To Prevent Public Nuisance</b>  PLEASE SEE ENCLOSED NOTE.  Mrs PE Wright
<b>To Protect Children from Harm</b>

Signed:  
Date:



13.11.14

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

Attach to Representation form from Mrs PE Wright

THE LIVE AND LET LIVE. WHITBOURNE WR6 5SB

~~Living close to The Live and Let Live I am concerned that Mr Hill has applied for a license to serve alcohol 7 days a week between 10.30 - 00.00 and a music license for the same times each day. I don't see why a small country pub needs to have a drinking and music license until midnight every night! Having lived in Old Forge for the past 20yrs we have had occasions where the noise both from the loud music and less than thoughtful customers have disturbed the local residents resulting in the Police being called. Please note that there are houses opposite and alongside the pub~~

Mrs PE Wright



13.11.14

HEREFORDSHIRE COUNCIL  
Licensing Act 2003

REPRESENTATION FORM – INTERESTED  
PARTIES

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Bath Street, Hereford,  
HR1 2ZF  
licensing@herefordshire.gov.uk**

Your Name: [REDACTED]	Contact Telephone No [REDACTED]
[REDACTED] Old Forge Whitbourne Worcestershire WR6 5SB	[REDACTED] Please state your interest in the premises you are making a representation about: eg local resident/local business
Name & Address of premises you are making a representation about: Live and Let Live Whitbourne WR6 5SP (application PRO1656)	

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 <del>We object to the granting of a licence to the Live and Let Live at Whitbourne, on the grounds of public nuisance.</del> <del>We believe that the licensing hours requested by the applicant represent an infringement of the rights of several residents in surrounding properties as provided by the Human Rights Act 1998. The Act which came into force in October 2000 in the UK, states in Article</del>

~~1 of the First Protocol “that every person is entitled to the peaceful enjoyment of their possessions...”~~

~~Also, in Article 8 “that everyone has the right to respect for their home and private life”... It is clear that the extent of the licensing hours proposed would contravene these Articles for nearby residents of the Live and Let Live.~~

~~The hours of business proposed are not consistent with the rural residential environment and location of these premises. There are approximately 15 residential properties within a 100 metre radius of this establishment, so it can hardly be on the outskirts of the village as the applicant suggests. The granting of a licence for recorded and amplified live music until midnight every night is not in keeping with the needs of this quiet rural residential community. There are many frail elderly residents in this community, who would be potentially distressed by such provision of an entertainments licence.~~

~~Such a licensed premises, is for many of the nearby residents not a “village hub” as the applicant suggests. Indeed, The Live and Let Live, has not been trading since January 2013, but in that period, the village community shop, church and village hall have enjoyed a flourishing existence.~~

~~The exterior flood lighting to the front and car park side of the premises, illuminate the bedrooms on the rear and living rooms of at least 4 houses facing the premises. The hours proposed by the licence, would cause significant inconvenience to residents of these properties, this has been the case in the past. This would seem to be in direct breach of the Herefordshire Council Statement of Licensing Policy 2011/2013 paragraph 22.20, which states “bright lights on or outside licensed premises do not cause a nuisance to nearby properties”. If the proposed licensing hours are granted this would suggest that these lights would remain illuminated until potentially 00:30 seven nights per week.~~

~~Vehicles leaving the premises after the cessation of trading hours; potentially after 00:30 will also cause significant inconvenience to these 4 properties, as well as other residential properties in the immediate vicinity.~~

~~The granting of a regulated entertainment licence to the extent that the applicant proposes, would be in direct contravention of paragraph 22.17 of the Herefordshire Council Statement of Licensing Policy 2011/2013; that “noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties”. **This has always been the case with the Live and Let Live, with music being audible at unacceptable level** in several properties in the immediate vicinity. ~~Again, this could potentially be the case on every night of the week until midnight. Representations have been made in the past to Fred Briggs and Victoria Woodlad of the Herefordshire Environmental Health and Trading Standards Service, the last contact being 21/11/2012. No provision has been made with regard to sound proofing to our knowledge since that date.~~~~

~~Furthermore, little provision has been made in the applicants supporting notes with regard to how litter will be controlled outside the premises. Litter has **been** an issue in the past, with bottles, crisps packets and other detritus coming to rest in neighbouring gardens; this would seem to be contrary to paragraph 20.12 of the councils Statement of Licensing Policy 2011/2013 - behaviour of customers outside licensed premises.~~

~~Also, scant regard has been given in the license application to how the conduct of customers using outside areas (beer garden) will be controlled to avoid public nuisance to surrounding residential properties, contrary to paragraph 20.13 of the council’s Statement of Licensing Policy. **Foul language and horse play have been a frequent common-occurrence in the past.**~~

~~Finally, we believe Herefordshire Council should honour its pledge to protect the rural community paragraph 1.8 of the Statement of Licensing Policy. This can only be achieved by refusing this application in its current form; and if necessary issue a license to this premises, with due regard to protect this peaceful rural environment and the residents therein.~~

<b>To Protect Children from Harm</b>

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: Live and Let Live - Whitbourne

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.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<b>Prevent Public Nuisance</b> <ul style="list-style-type: none"><li>Licensing hours until 11:00pm only.</li></ul>

- **Live and recorded music until 22:00 only once per month. No amplified live music. No live or recorded music to be audible in, or around the curtilage of surrounding residential properties. Provision of automated ventilation systems and soundproofing should be made to achieve this. The provision of sound proofing would seem to be a requirement specified by paragraph 22.08 of the Council’s Statement of Licensing Policy.**
- **Exterior flood lights on premises to be replaced with units that do not saturate surrounding properties with light – Paragraph 22.20 of Statement of Licensing Policy.**
- **Exterior litter bins to be provided for customers to dispose of unwanted items in an environmentally acceptable manner.**
- **Realistic measures put in place to control the activities of customers using outside areas both during and following cessation of licensing hours – paragraph 22:13 of the Council’s Statement of Licensing Policy.**
- **Exterior activities – such as use of “beer garden” to cease before the end of the main license at night – perhaps 22:00 would not be unreasonable; this is allowed for in paragraph 22.16 of the Statement of Licensing Policy.**

**Protect Children from Harm**

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  
Licensing Act 2003

REPRESENTATION FORM – INTERESTED  
PARTIES

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

When completing this form please print clearly and legibly.

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about:  Neighbouring Resident
Name & Address of premises you are making a representation about:  The Live and Let Live, Whitbourne, WR6 5SP (Application ref PRO 1656)	

**DATA PROTECTION ACT 1998. Please indicate by ticking here (Tick) 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 Public Nuisance**

~~Contrary to the impression given in the general description of the premises, The Live and Let Live is located at the centre of Whitbourne within the settlement area and adjacent to a number of residential properties. (See Attachment 1)~~

~~The rear elevation of residences located immediately opposite 'The Live' face it. This contains their main living areas including living rooms, kitchens, bedrooms and the garden area thus increasing the impact of any late night noise disturbance interfering unreasonably with the residents personal comfort and enjoyment.~~

As residents of the above address for over 26 years, we have seen the pub scene change over the years and tolerated the occasional noise nuisance. When amplified music is played on the premises of 'The Live' it is audible in our bedroom and living room. This can be tolerable when the amplification is at a reasonable level, no doors or windows are open, functions are relatively infrequent and terminate at a reasonable time. From experience it becomes unacceptable and an intrusive nuisance as both amplification and 'audience participation' increases in noise which happens as functions progress through the evening. On a number of occasions, particularly over the December / January period of both 2011/12 and 2012/13 we have had to telephone West Mercia Police to report the nuisance (as telephone calls to the pub were unanswered) and also reported the violations of license to HCC. We have also had to complain in the summer months when doors and windows are open and also amplification has been used for long periods outside

of the main building.

~~Section 1.4 of the current HCC Statement of Licensing Policy states that it is "The Licensing Authority's aim is for the licensing process to allow the retail sale/supply of alcohol, .... in a way which ... is not to the detriment of residents, nor gives rise to loss of amenity." Daily licensing of alcohol and music until midnight would be in contravention of this requirement.~~

~~The widely accepted 'standard' licensing hours end at 11:00 pm (Mon – Fri) and 10:30 pm (Sunday). These hours are adhered to by the Wheatsheaf public house which is also located in Whitbourne approximately 550m from The Live and Let Live. No evidence has been provided by the applicant as to why longer licensing hours are required or how subsequent impacts on the local amenity would be effectively mitigated or addressed as required in Section 13.1 of the HCC Statement of Licensing Policy.~~

~~The application refers to a function room rather than restaurant as the room has previously been used. The implication of this is that vehicle movements to and from the venue will be concentrated at the start and end of the function, rather than dispersed over a period as would be the case for ad-hoc dining.~~

~~Dispersal from a function can take some time with informal conversations by patrons in the car park. If licensing concludes at midnight, this noise nuisance could realistically continue well beyond this time.~~

~~Whitbourne has no street lighting in the area of 'The Live' For safety reasons, beer garden and car park lighting would need to be illuminated until patrons have dispersed. As car park lighting is currently directed away from the premises impacting on residential properties this will have an adverse effect on the amenity.~~

~~Section 1.8 of the current HCC Statement of Licensing Policy recognises that Herefordshire has "many areas lying in tranquil rural surroundings whose amenity the Council has a duty to protect" and for which "factors may be taken into account in relation to applications that may have a material impact on a vicinity". Whitbourne is such a location and the extended opening constitutes a material impact.~~

~~The above was supported when planning permission was refused on appeal in June 2013 for a venue to hold a maximum of 16 small wedding functions per annum (non-resident guest numbers of 30 – 60) concluding at midnight in a large residence located within the Parish approximately 400m outside of the main settlement area and within a cluster of residential properties (Appeal Ref. APP/W1850/C/13/2192174). This appeal considered very similar issues to those presented in this case. In refusing the application, the Inspector (Mr J P Sargent BA(Hons) MA MRTPI) stated as one of the key reasons~~

~~"After midnight, there is then a further source of noise as the guests disperse... whether in private vehicles or taxis, and even accounting for some going earlier many would remain until the reception ended. This would give rise to further talking between guests, car doors being shut and engines starting that, again in this quiet and peaceful location in the early hours of the morning, would be an unacceptable noise nuisance".~~

Signed:

Date: 14/11/14

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 Live and Let Live, Whitbourne, WR6 5SP  
(Application ref PRO 1656)

**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.

### Prevent Public Nuisance

*Prior to The Live being sold to Enterprise Inns, it was a thriving and profitable privately-owned operation. This was achieved with licensing times terminating at 11 pm Monday to Saturday and noon to 10:30 on Sunday.*

*I would propose that this represents realistic and acceptable licensing hours for a village centre pub which is located adjacent to residential properties. This view was endorsed by a motion at Whitbourne Parish Council meeting held on 4<sup>th</sup> November 2014.*

*The proposed closing times are more compatible with the premises closure time of midnight as stated in section L of the application by allowing reasonable 'drinking-up' time.*

*Also, they would not prevent functions being held provided they take place within the permitted hours or are subject of a Temporary Event Notice.*

**Signed:** [REDACTED]

**Date:** 14/11/14

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**  
Licensing Act 2003

**REPRESENTATION FORM – INTERESTED PARTIES**

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**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.**

<b>Your Name:</b> Colin Richmond	<b>Contact Telephone No. 01886 821018</b>
<b>Address:</b> 7 Old Forge Whitbourne Worcester WR6 5SB	<b>E-mail address:</b> Colinrichmond70@btinternet.com
	<b>Please state your interest in the premises you are making a representation about: a local resident living adjacent to the Live &amp; Let Live</b> <small>local resident/local business</small>
<b>Name &amp; Address of premises you are making a representation about:</b> Live & Let Live, Whitbourne, Worcester, WR6	

**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:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>
<p><del>To Prevent Public Nuisance Whilst it appears there is a welcoming in the village of the reopening of the Live &amp; Let Live public house, it must be with the consideration of those living in its vicinity.</del></p> <p><del>In the new owner's application for a licence he has incorrectly stated that the premises is located on the outskirts of the village. It fronts and to its side domestic residencies which are only a garden length away and which receive any noise full on. This is the experience of over 30 years of living near to the public house. Depending on the landlord, sometimes the operation was more akin to a bawdy house rather than a country pub.</del></p> <p><del>To request opening till midnight for 365 days a year is unreasonable even if it were for only one day. The village is very quiet and having no background noise, any noise is accentuated. To have a music licence allowing such noise till midnight is totally unreasonable for those living nearby.</del></p>

~~Other local pubs seem to think 11:00pm is quite adequate for them. To have such an application does not provide any confidence in the new owner's desire to run his new business in consideration of his neighbours, but for only his own purposes. To make a nuisance of himself is only going to aggravate the local community and deter them from visiting his pub.~~

~~I would suggest that if a special event does call for a later time Mr Hill makes a special application.~~

**To Protect Children from Harm**

Signed: Colin Richmond  
Date: 11 November, 2014



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:** \_\_\_\_\_ **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**

I would like to suggest that the new owner restricts his closing time to 21:00 and only

has musical entertainment on certain days, say once a month. Any more often and he will deter customers from coming out from the city for a quality time and a quiet meal

**Protect Children from Harm**

Signed: Colin Richmond

Date: 11 November, 2014

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**  
Licensing Act 2003

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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.**

<b>Your Name:</b> Chris & Pat Short	<b>Contact Telephone No.</b> 01886 821821
<b>Address:</b>  8 Old Forge Whitbourne Worcs WR6 5SB	<b>E-mail address:</b> chris.short2@btinternet.com
	<b>Please state your interest in the premises you are making a representation about:</b>  Neighbouring Resident
<b>Name &amp; Address of premises you are making a representation about:</b>  The Live and Let Live, Whitbourne, WR6 5SP (Application ref PRO 1656)	

**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:

<p><b>To Prevent Public Nuisance</b></p> <p><del>We welcome anyone interested in the future of the village and its residents, however we have concerns re the reopening and activities of the Live and Let Live pub.</del></p> <p><del>1) Notice States L&amp;L (pub) is on outskirts!,,, surely ...nearer the hub and opposite to a number of residential properties check ,WR6 5SP,Wheatsheaf pub is nearer to outskirts.</del></p> <p>2 )Undersigned has been resident for 30 plus years and past disruption levels have been far from satisfactory the main nuisance being noise from outside drinkers and smokers especially during music evenings.</p> <p><del>3) We object to what were the original pub licensed hours being extended especially for music surely most people have had the majority of their drink way before 10.00 or 10.30 closing time and a few "last men standing" wouldn't add much to the profits.</del></p> <p><del>4) Licence to 12.00 midnight does not mean at a few minutes past everyone leaves, ,in fact a drink up period of anything up to an hour is not unusual, then the start up and drive off of cars and motor bikes and goodnight chatter can last till the early hours.</del></p> <p><del>5) The music, whether recorded or live, especially in summer with outside events or when windows and doors are open can cause much personal disturbance.</del> <del>The location of most Old Forge houses have their main living and sleeping rooms facing the pub as do the garden and seating area.</del></p>
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~~5) contd..~~

~~Point of interest...at no time to my knowledge has anyone associated with the reopening of the pub found it necessary to talk to Old Forge residents, a number of whom have been in Whitbourne for many years.~~

~~6) Revenue from part of the highly successful village shop comes from its sale of alcohol, soft drinks and snack items. Has the effect of the L & LL been adequately considered.~~

~~Finally once trading commences what checks and balances will be put in place to at least prevent any unacceptable Customs and Practices prevailing. I am not familiar with procedures, but can a 3 or 6 month review involving the views of local residents be a possibility?~~

To Protect 

Signed 

Date: 11/11/2014

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:** The Live and Let Live, Whitbourne, WR6 5SP  
(Application ref PRO 1656)

**Your name:** Chris Short

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

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

<p><b>To Prevent Crime and Disorder</b> <i>Normal village security</i></p>
<p><b>Public Safety</b> <i>Maximum attention on Entry and Exit of car park and behaviour of customers. Additional traffic signs.</i></p>
<p><b>Prevent Public Nuisance</b> <i>In the past, before Enterprise Inns involvement, the L &amp; LL operated profitably with hours of opening to 11.00pm during the week and 10.30pm on Sunday. Live music was on average once a month. I request that we go back to this.</i></p>
<div style="background-color: black; width: 100%; height: 100%; min-height: 100px;"></div>

Date: 17/11/2019

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**



## **West Mercia Police requested conditions which have been agreed by the applicant**

West Mercia police are in receipt of an application for a new premises licence for a venue called the **Live and Let Live, at Whitbourne, Nr., Bromyard**. The application is for the licensable activities of the sale/supply of alcohol and regulated entertainment. The application seeks to specify the designated premises supervisor as Richard Keith HILL.

This premises has previously been licensed.

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

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

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

and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an

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

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be

maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an

'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) seizures of drugs or offensive weapons

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

(g) any refusal of the sale of alcohol

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

3. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading

Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

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

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

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

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

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

Regards

Jim Mooney (on behalf of Insp Paul Crumpton)  
Licensing and Harm Reduction Coordinator  
Policing Unit - Herefordshire  
West Mercia Police  
DDI 01432 347102  
Switchboard '101' x 4702

### **Trading Standards requested conditions which have been agreed by the applicant**

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application to vary the premise licence for The Live and Let Live, Whitbourne, Worcester WR6 5SP.

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

After looking at your application under the section protection of children from harm we would seek to include the following conditions on the premise licence

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

**Environmental Protection requested conditions which have been agreed by the applicant**

**LICENSING ACT 2003  
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE  
LIVE & LET LIVE LIVE AND LET LIVE, WHITBOURNE,  
HEREFORDSHIRE, WR6 5SP**

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

<b>Representation</b>	<b>Industry Guidance</b>
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>All external doors at the premises shall be kept closed after 2300 except during immediate access and egress.</p> <p>All windows will be kept shut after 2300 hours.</p> <p>Noise or vibration shall not emanate from the premises so as to cause a nuisance.</p> <p>Any speaker within the premises shall be directed away from any residential property</p> <p>Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.</p> <p>Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.</p> <p>No external area at the premises shall be used for the consumption of alcohol or any licensable activity after 23:00 hours.</p> <p>No waste such as bottles or refuse shall be placed outside the premises between 23:00 and 08:00.</p>	
PROTECTION OF CHILDREN FROM HARM	