

AGENDA

Regulatory Sub Committee

Date: **Wednesday 4 November 2015**

Time: **11.00 am**

Place: **Committee Room 1, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

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Agenda for the Meeting of the Regulatory Sub Committee

**Councillor BA Durkin
Councillor DW Greenow
Councillor PJ McCaull**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF YATES, 58 COMMERCIAL ROAD, HEREFORD, HR1 2BP - LICENSING ACT 2003 To consider an application for the variation of a premises licence in respect of 'Yates, 58 Commercial Road, Hereford, HR1 2BP.	9 - 254

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- 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.
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HEREFORDSHIRE COUNCIL

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

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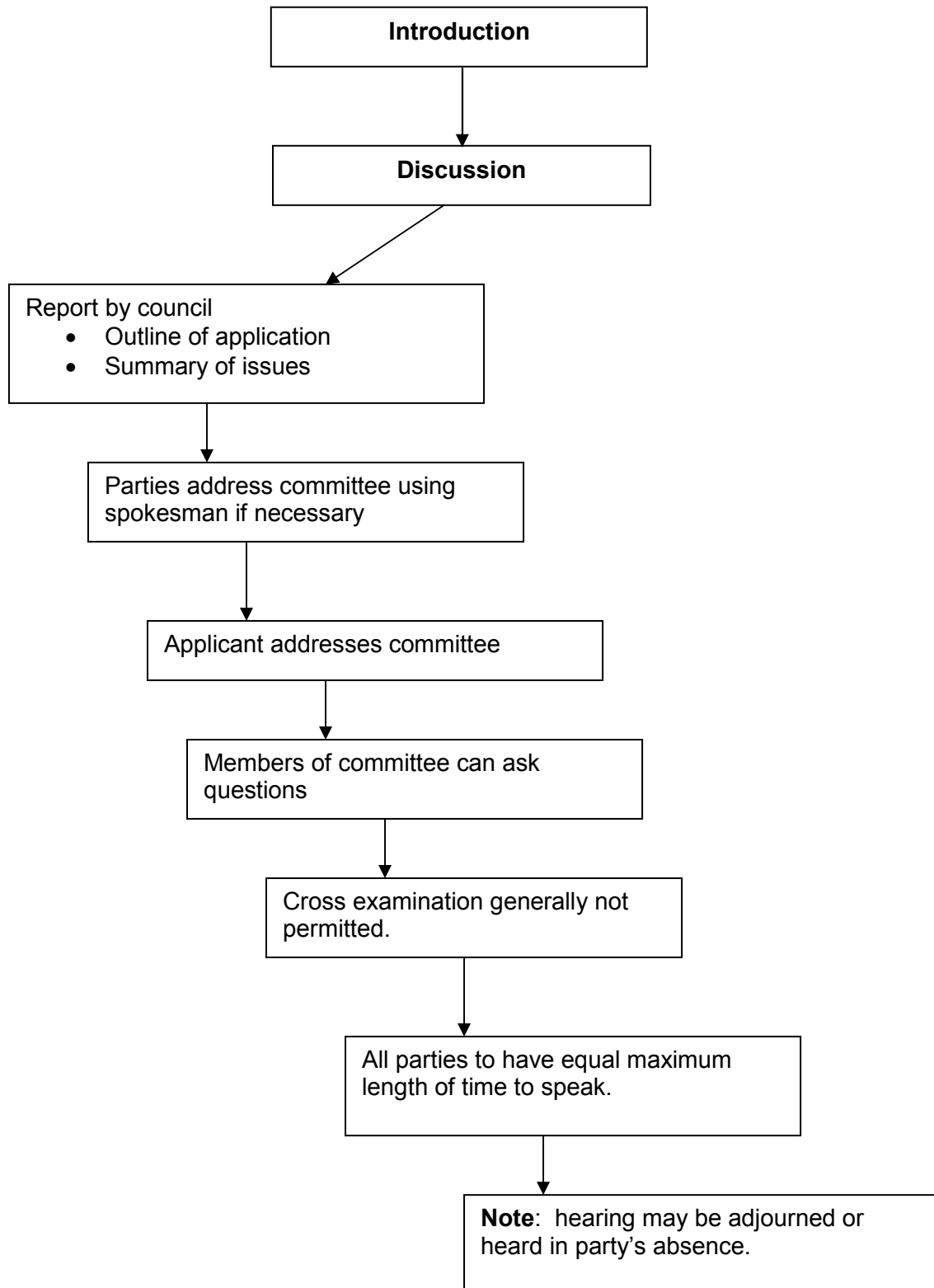
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Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	4th November 2015
Title of report:	APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF YATES, 58 COMMERCIAL ROAD, HEREFORD, HR1 2BP – LICENSING ACT 2003
Report by:	CLAIRE CORFIELD - LICENSING AND GYPSY TRAVELLER MANAGER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider an application for the variation of a premises licence in respect of 'Yates, 58 Commercial Road, Hereford, HR1 2BP.

Recommendation

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 Statement of Licensing Policy 2015 - 2020.

Options

1. 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,
 - c) 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,
 - d) To exclude from the scope of the licence any of the licensable activities to which the application relates,
 - e) To refuse to specify a person in the licence as the premise supervisor, or
 - f) To reject the application.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. **Licence Application**
The application for a variation to the premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	Stonegate Pub Company Ltd Porter Tun House, 500 Capability Green, Luton, LU1 3LS	
Solicitor	Popleston Allen – Mr A Grimsey	
Type of application: Variation	Date received: 5th February 2015	28 Days consultation ended 4th March 2015

5. The initial application was made on 5th February 2015 and the 28 day consultation period concluded on 4th March 2015.
6. The matter appeared before the Regulatory Committee on 26th March 2015 where a decision was made.
7. On 16th April 2015 an appeal was lodged, by an interested party, to the Magistrates Court in respect of the decision made by the committee.
8. This appeal was disposed off by way of a consent order (Appendix f).

9. The consent order required that the case be remitted back to the Licensing Authority for re-hearing as follows:

- Any further evidence relevant to the application provided by any party to the remitted hearing be exchanged in writing no less than 14 days prior to the date of the hearing. Any response by way of rebuttal will be provide no less than 7 days before the hearing
- The Regulatory Sub-Committee sitting at the remitted hearing will be constituted differently to the Committee which sat on the occasion which had been subject to the appeal

10. **Summary of Application**

The application requests the variation of the existing premises licence to include the following:

- The permitted hours for the sale of alcohol, regulated entertainment and late night refreshment be authorised until 0200 hours on all days
- That films and recorded music be permitted from 0700 hours on all days of the week
- That the opening hours be extended until 0230 hours on all days
- To remove the existing conditions as shown in Annex 2 of the licence and replace them with the conditions as shown in the application
- To have an additional hour on St George's Day; St Patricks Day; St Andrews Day; Burns Night; Valentine Day; Halloween; Friday, Saturday and Sunday preceding a Bank Holiday Monday; Maundy Thursday; Christmas Eve, Christmas Day; Boxing Day; 27th, 28th, 29th & 30th December ; Bonfire Night and New Years Day; On the commencement of British Summer Time

11. **Current Licence**

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

Films; Recorded Music: Monday - Sunday - from 08:00 - 01:00
Indoor Sporting Events; Live music; Dance; Other regulated entertainment: making music: Dancing; Other entertainment facilities
Monday - Sunday - 10:00-01:00
Late night refreshment: Monday - Sunday - 23:00-01:00
Supply/Sale of Alcohol: Monday - Sunday - from 08:00 - 01:00

Non Standard Timings:

Terminal hour for the sale of alcohol within the rear external area is 00:30hrs

New Year's Eve 36 hours

Change GMT to BST an additional hour;

Bank Holiday weekends Fridays to Mondays, on St Patrick's Day, St George's Day, St Andrews Day and St Valentine's Day and on the day before Chirstmas Eve to Boxing Day (Excluding Christmas Day) and New Year's Day - an additional hour.

Christmas Day: 12:00 - 23:00

On a maximum of 12 occasions a year, such hours as may be agreed by the police for special occasions, the police to have an absolute veto (not to be unreasonably

withheld). At least 7 days notice of such a request will be given to the council and police.

12. **Summary of Representations**

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

Representations have been made by:

One (1) of the Responsible Authorities (**Licensing Authority**) and **Nine (9)** representations from **Members of the Public**

13. The matter is therefore brought before Committee for determination.

Community Impact

14. Any decision is unlikely to have any impact on the local community.

Equality duty

15. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

17. 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.

The case of Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council, heard before the High Court of Justice, Queen's Bench Division The Administrative Court,

18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.

This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.

The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.

The matter was further appealed to the High Court by way of case stated.

Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'

In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.

The stated case of 'The Queen on the application of JD Wethersoon PLC v Guildford Borough Council which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:

'The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

Right of Appeal

18. Schedule 5 gives a right of appeal which states:

Variation of licence under section 35

4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

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.

Risk Management

19. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Consultees

20. All responsible authorities and members of the public living within Herefordshire.

Appendices

- a. Application Form – page 15
- b. Local Authority Representation – page 33
- c. Public Representations – page 35
- d. Papers submitted by the applicant in accordance with the consent order (Poppleston Allen) – page 59
- e. Consent Order from the Magistrates Court - Page 141
- f. The Herefordshire Council Statement of Licensing Policy 2015 – 2020: Special Cumulative Impact Policy. - 143
- g. Papers submitted by the appellant in accordance with the consent order (WoodWhur) – page 153
 - Public Representation – redacted – page 155
 - Current premises Licence – page 157
 - Current Premises Plan – page 169
 - Planning - Garden layout and Beer Garden – page 171
 - Images from flat and from Beer Garden – page 175
 - Location Plans – page 183
 - Yates Operation – Beer Gardens - Drinks promotions – page 187
 - Images of Outside Area and Fire Breather – page 201
 - Noise Assessment – page 205
 - Planning Documents – page 227
 - SOLP Extracts – page 239

Background Papers - None

County of Herefordshire District Council

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.

We Stonegate Pub Company Limited
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 PR00453

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Yates's 58 Commercial Road			
Post town	Hereford	Post code	HR1 2BP

Telephone number at premises (if any)	01432 273078
Non-domestic rateable value of premises	£100,000

Part 2 – Applicant details

Daytime contact telephone number	08451262944		
E-mail address (optional)			
Current postal address if different from premises address	Porter Tun House 500 Capability Green		
Post Town	Luton	Postcode	LU1 3LS

Part 3 - Variation

Please tick yes

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

If not, from what date do you want the variation to take effect?

Day Month Year

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

1. To extend permitted hours for the sale of alcohol, regulated entertainment and Late Night Refreshment until 02.00 Monday – Sunday.
2. To extend the start time for opening hours, films and recorded music to begin at 07.00 Monday – Sunday to allow breakfast opening.
3. To extend terminal hour for opening hours until 02.30 Monday – Sunday.
4. To remove all conditions contained within annex 2 of the premises licence and replace with the operating schedule detailed below.
5. To add in non standard timings as detailed in the application.

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

N/A

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

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

Sale by retail 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)			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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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)		
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	07.00	02.00	Please give further details here (please read guidance note 3) Amplified music video, sport, entertainment programs and any entertainment of a like kind (nothing of an adult nature)		
Tue	07.00	02.00			
Wed	07.00	02.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07.00	02.00			
Fri	07.00	02.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	07.00	02.00			
Sun	07.00	02.00			

		<p>days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
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C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) The playing of indoor pub games, eg skittles, pool, snooker and darts
Day	Start	Finish	
Mon	10.00	02.00	
Tue	10.00	02.00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	10.00	02.00	
Thur	10.00	02.00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	02.00	

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	02.00	Please give further details here (please read guidance note 3) Music may be via artists singing, karaoke, DJ and other of a similar nature		
Tue	10.00	02.00			
Wed	10.00	02.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	02.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10.00	02.00			
Sun	10.00	02.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07.00	02.00	Please give further details here (please read guidance note 3) Amplified music played through an in house sound system		
Tue	07.00	02.00			
Wed	07.00	02.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	07.00	02.00			
Fri	07.00	02.00	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		
Sat	07.00	02.00			

			guidance note 5)
Sun	07.00	02.00	<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	02.00	<u>Please give further details here</u> (please read guidance note 3) Dancing by staff throughout the premises		
Tue	10.00	02.00			
Wed	10.00	02.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	10.00	02.00			
Fri	10.00	02.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10.00	02.00			
Sun	10.00	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	02.00		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue	10.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.00	02.00			
Thur	10.00	02.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance		

Fri	10.00	02.00	note 4)
Sat	10.00	02.00	<p>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)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Sun	10.00	02.00	

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 checked="" type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 3) Hot food and drink provided as and when required including functions or events</p>		
Mon	23.00	02.00			
Tue	23.00	02.00			
Wed	23.00	02.00			
Thur	23.00	02.00	<p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</p>		
Fri	23.00	02.00	<p>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)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>		
Sat	23.00	02.00			
Sun	23.00	02.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08.00	02.00			
Tue	08.00	02.00			
Wed	08.00	02.00			
Thur	08.00	02.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	08.00	02.00			
Sat	08.00	02.00			
Sun	08.00	02.00			

K

<p>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)</p> <p>NONE</p>

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	07.00	02.30	
Tue	07.00	02.30	
Wed	07.00	02.30	
Thur	07.00	02.30	
Fri	07.00	02.30	
Sat	07.00	02.30	
Sun	07.00	02.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

To remove all conditions contained within Annex 2 of the premises licence and replace them with the Conditions below.

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
 Licence to follow under separate cover as application submitted online

M 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 premises licence holder has considered the impact of the proposed variation and notes that the premises fall within the cumulative impact policy area.

Pre-consultation has taken place with Fred Spriggs at the Licensing Authority and Jim Mooney, Police Licensing Officer. The premises had operated with a number of temporary event notices to the hours that had been requested which have not had a negative impact on the licensing objectives. Further the premises believe that the extension of hours at the premises will have a positive effect on the licensing objectives. This is because at present the premises currently have to cease licensable activities at 1am at which time many customers have not finished their evening and they therefore go onto other later licensed premises in Hereford, many of which are open until 3am. By Yates extending their hours until 2am, as has been experienced under temporary event notices and from customer feedback, it is believed that the customers will remain in Yates until the new closing hour and will then leave the premises and go home. Thus, preventing double migration and also preventing further potential flashpoints around the later premises in the early hours of the morning.

The premises have also made enquires in relation to crime and disorder associated with their premises which has shown a significant decrease year on year of alcohol related incidents.

The operating schedule has also been redrafted taking into account conditions requested by the Police Licensing Officer. In particular, it is also submitted that the inclusion of the last admission time of 1am will help reduce the movement of customers around the cumulative impact area. This condition is not currently on the premises licence.

The premises have also considered the Herefordshire Licensing Policy. The licensing policy references zoning of hours as being avoided and rather references a general principle of later opening so that customers can leave for natural reasons, slower over longer periods will be promoted to prevent unnatural concentrations of people.

The cumulative impact policy in Hereford has been in existence for a number of years. The purpose of the policy as stated in annex a, looks at the undesirable consequences where there is a cumulative effect of licensed premises, for example an increase in crime both against property and persons, an increase in noise and disturbance to residents, traffic congestion and/or parking difficulties, littering and fouling. There is no evidence that the premises have caused an increase in crime and indeed the Freedom of Information Act request shows that the premises have significantly reduced their crime incidents associated with their premises. There is no evidence of noise and disturbance to residents, traffic congestion, parking difficulties or littering and fouling. Therefore, using principles of case law established in Brewdog and the recent Sainsburys case, copies of which are attached, the submission is made in this case that the premises can demonstrate comprehensively that they will not add to the existing problems in the area and further the granting of the application will further reduce the potential for any additional crime and disorder.

b) The prevention of crime and disorder

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 on entrance of exits cameras. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.
2. CCTV will cover external areas at the front of the premises (Commercial Road) to cover any areas used for customer queuing.

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.

Copies of the CCTV will be made available to the Police as soon as reasonable practicable and in any event within 48 hours of the request. In the event of a serious incident (as defined at the time by the duty senior police commander for the area) copies of the CCTV will be made available to the Police on demand.

The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police or an authorized person (as defined by Section 13 of the Licensing Act 2003.

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/Duty Manager MUST report the failure to the Police on contact number 0300 333 3000 immediately.

3. SIA Licensed Door Staff will be employed at the premises as shown below, until the termination of licensable activities. When employed externally door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
 - a) On a Friday and Saturday and on a Sunday proceeding Bank Holidays:
Two (2) SIA door staff shall be employed from 2100hrs
One (1) Additional (total 3) SIA door staff shall be employed from 2200hrs
Two (2) Additional (total 5) SIA door staff shall be employed from 2230hrs
 - b) On Thursday from 2130hrs Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200 .One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - c)On Sunday from 9.30 pm - two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200 .One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - d) When the bar in the external area is operational, one (1) additional SIA door supervisor shall be employed within the external area on a Friday and Saturday night and on a Sunday preceding a Bank Holiday from 2130hrs to the end of licensed hours.

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

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

4. An incident log must be kept at the premises, and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (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 persons refused entry to the premises
 - (h) any visit by a relevant authority or emergency service
5. A system shall be in place which is capable of recording electronically and at the time, any refusal of sale of alcohol. The recording shall show the date and time and operators identity. Such information will be made available to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the police on demand at any time after the 24 hour period following the sale
6. No customers carrying open bottles upon entry shall be admitted to the premises at any times when they are open for licensable activities.
7. No open containers shall be removed from the premises.
8. The premises shall be an active member of the locally operated pub watch scheme while such a scheme or similar exists.
9. A Hereford City centre 'Pub Watch Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.
10. A Personal Licence holder will be on the premises from 9 pm until the end of licensable activities on a Friday, Saturday and on any bank holiday or day proceeding a bank holiday and on any day from 9 pm when the premises is open after 12.15 am for licensable activities.
11. 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 Herefordshire Council Trading Standards within one 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 shall be 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.

12. The premises will operate with a minimum of two floor walkers who will be on duty as a minimum on Friday and Saturday nights and Sundays preceding a Bank Holiday from 8pm until close. The floor walkers responsibilities are set out in the floor walkers policy attached to this operating schedule.

c) Public safety

1. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
2. A system shall be place which is capable of showing the number of persons on the premises at any time after 8.30 pm until the end of licensable activities on a Thursday, Friday, Saturday and Sunday. This number shall be given immediately on demand to an authorised person (as defined by Section 13 of the Licensing Act 2002) or police.
3. The reasonable requirements of the Building Control officer will be complied with.
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised person (as defined by Section 13 of the Licensing Act 2002) or Police on demand.

d) The prevention of public nuisance

1. 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.
2. 'Noise' from the premises should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.
3. On Friday, Saturday, Sundays before bank holidays, all bank holidays (except Christmas Day) and all other times when the premises is licensed to remain open the licensable activity of the sale/supply of alcohol after 0200hrs, the last time of entry for all customers will be 0100hrs.
4. The rear external area/beer garden shall not be used for Licensable activities after 01.00 hrs. It can be used as a 'smoking area' but the premises licence holder or DPS shall ensure that no drinking vessels are taken in to the area at this time. They shall also ensure that customers do not remain in the area after this time for excessive times.
5. NO regulated entertainment will take place in any external Areas of the premises AFTER 2200hrs.
6. All external doors to the beer garden must be kept closed except for entrance and

exit at all times from 2200hrs. Windows shall be closed at 23:00 hours and adequate ventilation provided.

7. The indoor sporting events shall be restricted to darts, pool, snooker, skittles or other minor sporting games of a similar kind.
8. The exhibition of films shall be restricted to video/DVD entertainment and shall be controlled by the licensee.
9. The premises will operate a dispersal area at the premises a copy of which is attached to the operating schedule and further copies will be provided to the Licensing Authority and Responsible Authorities upon request.

e) The protection of children from harm

1. Persons under the age of 18 will not be allowed on the premises at any time unless accompanied by a person over the age of 18 years.
2. Persons under the age of 18 years will not be permitted on the premises in any event after 2100 hours when regulated entertainment is offered (unless they are attending a private function held on the premises and are accompanied by a person over the age of 18 years).
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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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.
4. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
5. 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).

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- 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 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 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	04/02/2015
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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	N/A
Date	N/A
Capacity	N/A

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Clare Eames Poppleston Allen Solicitors 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7486		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.eames@popall.co.uk			

Notes for Guidance

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

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

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to the premises licence in respect of the 'Yates 58 Commercial Road, Hereford, HR1 2BP.

The premises licence holder requests to extend the existing hours until 2 am on all days of the week from the current time of 1 am with the request for additional hours on bank holidays.

I am aware that representations have been made by members of the public in relation to the public nuisance licensing objectives regarding late night noise coming from the premises.

The premises are within the area of the Herefordshire Council Special Policy (the Cumulative Impact Area) and the consequence of this application falls with the terms of paragraph A1 which states 'The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in noise and disturbance to residents;

Consequently this authority must object to this application on the grounds that the Special Policy has been evoked and that the outcome of granting the application would be an increase in noise and disturbance to residents.



**Fred Spriggs
Licensing Officer**

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:
Name & Address of premises you are making a representation about: Yates 58 Commercial Road, Hereford	

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

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

To Prevent Crime & Disorder
Public Safety I have noticed that the gate between Yates and BBQ and Brews is now locked. I believe this is a fire exit for Yates and is of concern should they need to evacuate the pub.
To Prevent Public Nuisance I own residential property above the pub which I have lived in and rented out and have had to deal with the noise from the venue in the past. I have balconies and sleeping areas which overlook the beer garden & smoking area for the pub. Since the indoor smoking ban, the use of this area has increased greatly as has the noise and nuisance. Noise is also picked up in the some of the bedrooms from Commercial street. In addition, the music from the venue can be heard and I would rather the hours be brought back to midnight rather than extended until 2am. Extended drinking creates additional problems and I fear that an extension of the hours will cause additional disruption and nuisance.

A nightclub which was located at the end of Commercial Street (where there is no residential property) has recently closed and I am concerned that the approval and granting of this application will be seen by the public that Yates is the 'replacement' nightclub. A pub used to close at 11pm and nightclubs at 2am, there are nightclubs in town that can cater to people who wish to drink past midnight, we do not need another.

It was my understanding that there is a cumulative impact policy in this part of Hereford covering Yates and there would be no further extensions to pubs in this area. Yates claim there will be no additional impact to the area staying open until 2am, however there is impact to my property - there will be an additional hour of music, people drinking, shouting and screaming in the smoking area/beer garden and commercial street, fighting in the street, taxis pulling up with their engines running and blue flashing lights from emergency services. Residents of the flats should not have to endure this it would be unbearable.

I would ask that consideration be given to reducing the licensing hours not extending them and that the music be limited to 12 midnight.

To Protect Children from Harm

Signed:

Date: 1st MARCH 2015



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

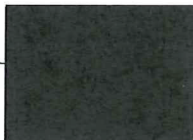
Premise: Yates Your name: [REDACTED]

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 Closure of the premises at midnight to the public, or at the very least, music off at midnight so residents can sleep.
Protect Children from Harm

Signed:



Date: 1st MARCH 2015

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:	
Name & Address of premises you are making a representation about: YATES BAR 58 COMMERCIAL ROAD HEREFORD HR1 2BP			

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 WITH FUSION NIGHTCLUB NOW CLOSED THERE WILL BE MORE REVELLERS VISITING AND CONGREGATING OUTSIDE AT CLOSING TIMES.
Public Safety
To Prevent Public Nuisance I HAVE RECENTLY BECOME AWARE THAT YATES BAR HAVE APPLIED TO EXTEND THEIR LICENCE. I WISH TO OBJECT TO THIS ON THE BASIS OF NOISE POLLUTION AND ANTI SOCIAL BEHAVIOUR. I OWN AN APARTMENT ABOVE YATES AND THERE ARE ALREADY PROBLEMS WITH NOISE NUISANCE. IF THE LICENCE IS EXTENDED FURTHER THIS WILL BECOME UNBEARABLE FOR ALL RESIDENTS OF JACOBS COURT
To Protect Children from Harm

Signed: [REDACTED]
Date: 3.3.2015

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: YATES BAR 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 I WISH TO OBJECT TO THE EXTENSION OF THE LICENCE. I BELIEVE THE HOURS OF TRADING SHOULD BE REDUCED, NOT INCREASED
Protect Children from Harm

Signed: [REDACTED]

Date: 3.3.2015

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]
[REDACTED]	[REDACTED]
<p>Please state your interest in the premises you are making a representation about:</p> <p>Local Resident (above Yates's)</p>	
<p>Name & Address of premises you are making a representation about:</p> <p>Yates's Pub 58, Commercial Road Hereford HR1 2BP</p>	

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
<p>To Prevent Public Nuisance</p> <p>We understand that Yates's 58, Commercial Road Hereford HR1 2BP have applied to extend their licencing hours and we would like to raise our objections to this application on the grounds of noise pollution and disturbance.</p> <p>We own number 7, Jacobs Court above these premises which is already subjected to considerable noise and late night activities with the current licencing hours and so extending these hours will only exasperate this situation further.</p>
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: Yates's Pub, 58 Commercial Road, Hereford HR1 2B

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 The application to extend the licence at Yates's Pub would create substantial extra noise issues for the residents of Jacob's Court and would inevitably add to the workload of the police force. The residential permission was granted for the properties more than 10 years ago based on the licensing laws in place then and we believe it's unreasonable to expect us to now absorb an extension on what is already a very long night.
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

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: <i>Local Resident who owns an apartment above the business</i>
Name & Address of premises you are making a representation about: Yates's Bar 58 Commercial Road Hereford HR12BP	

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
<p>To Prevent Public Nuisance</p> <p>We have recently been made aware that an application to extend the licencing hours of the Yates pub, 58 Commercial Road, Hereford HR1 2BP has been submitted. We would like to put in an objection to this on the basis of noise pollution and increased disturbance to the area.</p> <p>We own flat 8 Jacobs Court, which is a residential development of 10 apartments located above the Yates pub. Our flat overlooks Commercial Road where the main entrance/exit is for Yates and where customers exit the building and taxis will pick up from at the end of the evening.</p> <p>Our flat has mostly been rented out and during this time we have encountered numerous complaints from our tenants regarding noise disturbance from both Yates and O'Neal's pub next door during closing times. If the application to extend the licence is granted and the noise was to continue into the early hours of the morning it would be unbearable for all the residents of Jacobs Court.</p> <p>We wish to object to the application to extend the licencing hours. In our view the hours of trading should be reduced and not increased.</p>
To Protect Children from Harm

Signed: [REDACTED]
Date: 26 February 2015

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

1



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: YATES'S PUB 58 Commercial Road Hereford HR1 2BP

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 have recently been made aware that an application to extend the licencing hours of the Yates pub, 58 Commercial Road, Hereford HR1 2BP has been submitted. We would like to put in an objection to this on the basis of noise pollution and increased disturbance to the area.

We own flat 8 Jacobs Court, which is a residential development of 10 apartments located above the Yates pub. Our flat overlooks Commercial Road where the main entrance/exit is for Yates and where customers exit the building and taxis will pick up from at the end of the evening.

Our flat has mostly been rented out and during this time we have encountered numerous complaints from our tenants regarding noise disturbance from both Yates and O'Neal's pub next door during closing times. If the application to extend the licence is granted and the noise was to continue into the early hours of the morning it would be unbearable for all the residents of Jacobs Court.

We wish to object to the application to extend the licencing hours. In our view the hours of trading should be reduced and not increased.

Protect Children from Harm

Signed:



Date: 26 February 2015

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 SECTION
 RECEIVED
 03 JAN 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.

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: Owner of local apartment
Name & Address of premises you are making a representation about: Yates, Litton Tree, Commercial Road, Hereford	

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 I have become aware of the application to extend the licencing hours of the Yates Pub at 58 Commercial Road, Hereford, HR1 2BP has been submitted. I am submitting an objection to this because of the noise pollution and increased disturbance to the area. I own 3 Jacobs Court which is above the pub and the apartment overlooks Commercial Road and above the main entry and exit for Yates. Customers leave the pub here, visit the take away food shops and take taxis. I have lived in the apartment for most of the time and there is already a lot of noise disturbance from both Yates and O'Neal's put next door during closing times. If the application to extend the licence is granted and the noise was to continue into the early

hours of the morning, it would make conditions extremely challenging for residents of Jacobs Court.

I wish to object to the application to extend the licencing hour.

To Protect Children from Harm

Signe [Redacted]
 Date: 26 Feb 2015



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.

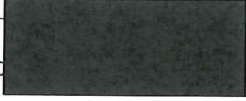
To Prevent Crime and Disorder

Public Safety

Prevent Public Nuisance

Protect Children from Harm

Signed



Date: 26 FEB 2015

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] Hereford	Contact [Redacted] Please state your interest in the premises you are making a representation about: [Redacted]
Name & Address of premises you are making a representation about: Yates 58 Commercial Road	

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 Crime & Disorder
Public Safet
To Prevent Public Nuisance <p>I live 4 doors away from Yates and already have noise from the music system and customers outside my flat until late in the morning. Extending the hours further will mean this goes on later and I will get even less sleep.</p> <p>On moving to the flat I understand there is a cumulative impact zone which covers commercial road meaning no extensions to licences – how is it possible for Yates to apply to open later with more noise and mess from the pub.</p>
To Protect Children from Harm

Signed: [REDACTED]
Date: 2nd March 2015



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: Yates 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 Asking customers to be quiet when leaving and to clear any mess from the streets as stepping over peoples urine when I leave my front door is not nice.
Protect Children from Harm

Signed: [REDACTED]

Date: 2nd March 2015

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**

CAS-495023

INFO IN HEREFORDSHIRE
THE HEREFORD CENTRE
Tel 01432 260500 Fax 01432 383389

03 MAR 2015

RECEIVED

HEREFORDSHIRE COUNCIL

Licensing Act 2003

Ackd _____ File _____

Please return this form, and any additional information within the statutory period to:

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

licensing@herefordshire.gov.uk

REPRESENTATION FORM – INTERESTED PARTIES

TO:

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

When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
Please state your interest in the premises you are making a representation about: eg local resident/local business local resident.	
Name & Address of premises you are making a representation about: YATES PUB, COMMERCIAL Rd, HEREFORD.	

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

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

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance I OWN THE APARTMENT DIRECTLY ABOVE THE DANCE FLOOR IN YATES AND ALREADY MY TENANTS SUFFER FROM LOUD MUSIC UNTIL 1.00am. IF THIS LICENSE WAS ALLOWED TO 3.00am this would make living above unbearable. 1.00am is bad enough!!!
To Protect Children from Harm

Signed [REDACTED]

Date: 2.2.15

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

ELI REPRES – 1 Representation Form – Interested Parties

1



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: YATES PUB. 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 SOUND PROOFING TO THE FLOOR INBETWEEN THE ACCOMADATION AND THE PUBLIC BAR. IT'S NOT ACCEPTABLE TO HAVE MUSIC PLAYING UNTIL 3.00am on Thurs/Fri & Sat NIGHTS.
Protect Children from Harm

Signed: [REDACTED]

Date: 2.5.15

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: Against the proposed licence extension to Yates, Hereford as I own a flat immediately above the wine bar.
Name & Address of premises you are making a representation about: Yates' - 58 Commercial Rd, Hereford HR1 2BP	

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

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

To Prevent Crime & Disorder I'm not sure if my concern should be highlighted in here against disorder or probably more appropriately in "Public Nuisance"
Public Safety
To Prevent Public Nuisance An extension to licencing hours at Yates' means that the already very noisy late night activity in Commercial Street both from the music played at Yates and that made by the public as they leave Yates once it closes, will be further extended into the early hours and significantly affect the quality of life of the Jacobs Court residence and specifically me, as my flat (number 4) is immediately above Yates.
To Protect Children from Harm

Signed [REDACTED]

Date: 2 [REDACTED]

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



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: Yates___ 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

1. Do not grant an extension to the current licensing hours of Yates'.
2. Remain with the current licensing hours.

Protect Children from Harm

Signe [REDACTED]

Date: [REDACTED]

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



Licensing Section,
Herefordshire District Council,
Blueschool House,
P.O. Box 233,
Hereford,
HR1 2ZB.



16th. February, 2015.

Dear Sir ,

Re. Application from Stonegate Pub Company Limited in respect of the premises known as Yates's, 58 Commercial Road, Hereford, HR1 2BP regarding the extension of opening hours.

We are writing this letter to object to the above application on the following grounds.

We live opposite one of the busiest and noisiest areas of Commercial Road.

We have noise problems from drunken late-night revellers buying cold food from the takeaway outlet next door to our premises until after 4.00 in the morning. If you grant this application, you will only increase our problems.

There are also motorised road sweepers operating between the hours of 5.00 a.m. and 6.00 a.m. cleaning up the mess left behind by these drunken revellers, so a good night's sleep is totally impossible.

We were informed at the last licensing meeting we attended that there is a restriction on opening hours in this area as agreed by yourselves, the licensing authority.

There are eight drinking establishments and ten hot and cold food outlets in our road open until the early morning hours. Grant this application and you will open the floodgates for them all.

Have the applicants done a survey or made enquiries of how this extension would benefit the community and the local residents and how much of an extra burden it would create for our already over-stretched and under-funded emergency services ? I doubt it.

We hope you will make the right decision and reject this application.

Yours faithfully,



Yates, Hereford
58 Commercial Road, Hereford, HR1 2BP

**Appeal against Decision of Licensing Sub-Committee
Licensing Panel Hearing: Wednesday, 4th November 2015**

Evidence Bundle Index

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TAB 1




LICENSING ACT 2003
Part A - Premises Licence

Premises licence number - PR00453 (Minor Variation)

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description
YATES 58 Commercial Road Hereford HR1 2BP
Telephone number: 01432 273078

Where the licence is time limited the dates: Not applicable

<p>Licensable activities authorised by the licence</p> <p>Provision of regulated entertainment</p> <ol style="list-style-type: none"> 1. An exhibition of a film (Indoors) 2. An indoor sporting event 3. A performance of live music (Indoors) 4. Any playing of recorded music (Indoors) 5. A performance of dance (Indoors) 6. Other regulated entertainment (Indoors) <p>Provision of entertainment facilities</p> <ol style="list-style-type: none"> 7. Making music (Indoors) 8. Dancing (Indoors) 9. Other entertainment facilities (Indoors) <p>Provision of refreshment or alcohol</p> <ol style="list-style-type: none"> 10. Provision of late night refreshment (Indoors) 11. Sale by retail of alcohol (For consumption both on and off the premises) <p>Further details</p> <p>(An exhibition of a film) Insofar as it may be required, for any juke box and also for exhibition of a film principally video/DVD entertainment or prerecorded televised events on screens and TV screens.</p> <p>(An indoor sporting event) Possibility of a sporting event (eg Pub Games) being held in the presence of an audience.</p> <p>(A performance of live music) Live and amplified voice: Current PEL permits.</p> <p>(Any playing of recorded music) Recorded music by juke box and music systems: Currently permitted by PEL.</p> <p>(A performance of dance) Arranged or spontaneous exhibition dance, ancillary to acts etc.</p> <p>(Other regulated entertainment) PEL/Licensing Act 1964 exemptions currently permit.</p> <p>(Making music) As currently permitted.</p> <p>(Dancing) Public dancing as currently permitted.</p> <p>(Other entertainment facilities) Currently permitted by PEL.</p> <p>(Other regulated entertainment) Possible cabaret; comperes for functions, quizzes and similar entertainments, and the like</p> <p>Description of facilities provided</p> <p>(Making music) Possible karaoke and similar.</p> <p>(Other entertainment facilities) Possible cabaret; comedy acts and the like when dancing may be included.</p>	<p>Certified as a true copy</p>  <p>Nottingham</p>
--	---



Films; Recorded Music;

Monday - Sunday - from 08:00 - 01:00

**Indoor Sporting Events; Live music; Dance; Other regulated entertainment: making music;
Dancing; Other entertainment facilities**

Monday - Sunday - 10:00-01:00

Late night refreshment

Monday - Sunday - 23:00-01:00

Supply/Sale of Alcohol

Monday - Sunday - from 08:00 - 01:00

Terminal hour for the sale of alcohol within the rear external area is 00:30hrs

New Year's Eve 36 hours

Change GMT to BST an additional hour;

Bank Holiday weekends Fridays to Mondays, on St Patrick's Day, St George's Day, St Andrews Day and St Valentine's Day and on the day before Christmas Eve to Boxing Day (Excluding Christmas Day) and New Year's Day - an additional hour.

Christmas Day: 12:00 - 23:00

On a maximum of 12 occasions a year, such hours as may be agreed by the police for special occasions, the police to have an absolute veto (not to be unreasonably withheld). At least 7 days notice of such a request will be given to the council and police.

The opening hours of the premises

Monday-Sunday: 08:00 - 01:45

Non Standard Timings:

An additional 45 minutes to the hours shown at box B if appropriate.

An additional 45 minutes to the hours shown at box B.

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

Alcohol-On and Off the premises

Part 2

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

Stonegate Pub Company Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS

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

FC029833



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

**Paul William Neades
Yates
58 Commercial Road
Hereford
HR1 2BP**

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

**Licence Number - 50
Issuing Authority – Herefordshire Council**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

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

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

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

Additional mandatory conditions:

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

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

Age verification

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

Smaller measures

The responsible person shall ensure that-

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

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

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

Mandatory condition: exhibition of films

Admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification body or that body specified in the licence unless

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule

Licensing objectives

Prevention of Crime:

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

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 or at the end of licensable activities.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police or an authorised person (as defined by Section 13 of the Licensing Act 2003) on demand or at the end of licensable activities.

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/Duty Manager MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. SIA Licensed Door Staff will be employed at the premises as shown below, until the termination of licensable activities. When employed externally door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
 - a) On a Friday and Saturday and on a Sunday proceeding Bank Holidays:
 - Two (2) SIA door staff shall be employed from 8.30 pm
 - One (1) Additional (total 3) SIA door staff shall be employed from 9 pm
 - Two (1) Additional (total 5) SIA door staff shall be employed from 9.30 pm

- b) On Thursday from 8.30 pm
Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200
One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - c) On Sunday from 9.30 pm
Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200
One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - d) When the bar in the external area is operational, one (1) additional SIA door supervisor shall be employed within the external area on a Friday and Saturday night and on a Sunday preceding a Bank Holiday from 21:00hrs to the end of licensed hours.
3. An incident log must be kept at the premises, and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2002) 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 persons refused entry to the premises
 - (h) any visit by a relevant authority or emergency service
 4. A system shall be in place which is capable of recording electronically and at the time, any refusal of sale of alcohol. The recording shall show the date and time and operators identity. Such information will be made available to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the police on demand at anytime after the 24 hour period following the sale.
 5. No customers carrying open bottles upon entry shall be admitted to the premises at any times when they are open for licensable activities.
 4. No open containers shall be removed from the premises.
 5. The premises shall be an active member of the HAND Scheme (Pub Watch) while such a scheme or similar exists.
 6. A Hereford City centre 'Pub Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.
 7. A Personal Licence holder will be on the premises from 9 pm until the end of licensable activities on a Friday, Saturday and on any bank holiday or day proceeding a bank holiday and on any day from 9 pm when the premises is open after 12.15 am for licensable activities.
 8. 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 Herefordshire Council Trading Standards within one 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 shall be 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.

Public Safety:

1. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
2. A system shall be place which is capable of showing the number of persons on the premises at any time after 8.30 pm until the end of licensable activities on a Thursday, Friday, Saturday and Sunday. This number shall be given immediately on demand to an authorised person (as defined by Section 13 of the Licensing Act 2002) or police.
3. The reasonable requirements of the Building Control officer will be complied with.
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised person (as defined by Section 13 of the Licensing Act 2002) or Police on demand.

Prevention of Public Nuisance:

1. 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.
2. 'Noise' from the premises should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.
3. Where regulated entertainment is offered after midnight, no admission will be permitted during the hour before the cessation of regulated entertainment.
4. The beer garden may be used by customers for the consumption of alcohol as per the licensing hours of opening and customers shall be controlled to minimize the risk of nuisance to neighbours . The terminal hour for the sale of alcohol in the rear external area is 00:30hrs.
5. No music shall be played in the outside beer garden at any time.
6. All external doors to the beer garden must be kept closed except for entrance and exit at all times from 20:00 hours. Windows shall be closed at 23:00 hours and adequate ventilation provided.
7. The indoor sporting events shall be restricted to darts, pool, snooker, skittles or other minor sporting games of a similar kind.
8. The exhibition of films shall be restricted to video/DVD entertainment and shall be controlled by the licensee.

Protection of Children:

1. Under 18's will not be permitted in the premises if the style of entertainment offered or operation is not conducive.
2. Under 18's will not be permitted on the premises in any event after 19:00 hours when regulated entertainment is offered (unless they are attending a private function held on the

premises and are accompanied by an adult).

3. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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.
4. A written or electronic 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.

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

HOURS OF LICENSABLE ACTIVITY

	Films, Recorded Music (or similar) & Supply of Alcohol	Indoor sporting events, Live Music and Dance (or similar), Provision of facilities for making music / dance (or Similar)	Late night refreshment	Open to the public
Monday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Tuesday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Wednesday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Thursday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Friday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Saturday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Sunday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145

SEASONAL VARIATION

	Films, Recorded Music (or similar) & Supply of Alcohol	Indoor sporting events, Live Music and Dance (or similar), Provision of facilities for making music / dance (or Similar)	Late night refreshment	Open to the public
New Years Eve	36 hours as permitted under grandfather rights			
St. George's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
St. Patrick's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
St. Andrew's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Valentine's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245



23rd December	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Christmas Eve	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Christmas Day	1200 - 2300	1200 - 2300	1200 - 2300	1200 - 2345
Boxing Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Bank Holidays (Friday - Monday)	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245

N.B – The applicant requested an additional hour to counter act the change from GMT to BST. The Sub-Committee granted this request but noted that it would not be required at present as the premise is only open to the public until 0145.

Annex 4 - Plans

As attached - dated 03.02.2012 Drawing No. JS/053/100B



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

Premises licence number - PR00453 (Minor Variation)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description YATES 58 Commercial Road Hereford HR1 2BP
Telephone number: 01432 273078

Where the licence is time limited the dates Not applicable
--

<p>Licensable activities authorised by the licence</p> <p>Provision of regulated entertainment</p> <ol style="list-style-type: none"> 1. An exhibition of a film (Indoors) 2. An indoor sporting event 3. A performance of live music (Indoors) 4. Any playing of recorded music (Indoors) 5. A performance of dance (Indoors) 6. Other regulated entertainment (Indoors) <p>Provision of entertainment facilities</p> <ol style="list-style-type: none"> 7. Making music (Indoors) 8. Dancing (Indoors) 9. Other entertainment facilities (Indoors) <p>Provision of refreshment or alcohol</p> <ol style="list-style-type: none"> 10. Provision of late night refreshment (Indoors) 11. Sale by retail of alcohol (For consumption both on and off the premises) <p>Further details</p> <p>(An exhibition of a film) Insofar as it may be required, for any juke box and also for exhibition of a film principally video/DVD entertainment or prerecorded televised events on screens and TV screens.</p> <p>(An indoor sporting event) Possibility of a sporting event (eg Pub Games) being held in the presence of an audience.</p> <p>(A performance of live music) Live and amplified voice: Current PEL permits.</p> <p>(Any playing of recorded music) Recorded music by juke box and music systems: Currently permitted by PEL.</p> <p>(A performance of dance) Arranged or spontaneous exhibition dance, ancillary to acts etc.</p> <p>(Other regulated entertainment) PEL/Licensing Act 1964 exemptions currently permit.</p> <p>(Making music) As currently permitted.</p> <p>(Dancing) Public dancing as currently permitted.</p> <p>(Other entertainment facilities) Currently permitted by PEL.</p> <p>(Other regulated entertainment) Possible cabaret; comperes for functions, quizzes and similar entertainments, and the like</p> <p>Description of facilities provided</p> <p>(Making music) Possible karaoke and similar.</p> <p>(Other entertainment facilities) Possible cabaret; comedy acts and the like when dancing may be included.</p>
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The opening hours of the premises

Monday-Sunday: 08:00 - 01:45

Non Standard Timings:

**An additional 45 minutes to the hours shown at box B if appropriate.
An additional 45 minutes to the hours shown at box B.**

Name, (registered) address of holder of premises licence

**Stonegate Pub Company Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS**

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

Alcohol-On and Off the premises

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

FC029833

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

Paul William Neades

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

The premises shall operate a Challenge 21 Policy.

Under 18's will not be permitted in the premises if the style of entertainment offered or operation is not conducive.

Under 18's will not be permitted on the premises in any event after 19:00 hours when regulated entertainment is offered (unless they are attending a private function held on the premises and are accompanied by an adult).

TAB 2

County of Herefordshire District Council

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.

We Stonegate Pub Company Limited
 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 PR00453

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Yates's 58 Commercial Road			
Post town	Hereford	Post code	HR1 2BP

Telephone number at premises (if any)	01432 273078
Non-domestic rateable value of premises	£100,000

Part 2 – Applicant details

Daytime contact telephone number	08451262944		
E-mail address (optional)			
Current postal address if different from premises address	Porter Tun House 500 Capability Green		
Post Town	Luton	Postcode	LU1 3LS

Part 3 - Variation

Please tick yes

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

If not, from what date do you want the variation to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

1. To extend permitted hours for the sale of alcohol, regulated entertainment and Late Night Refreshment until 02.00 Monday – Sunday.
2. To extend the start time for opening hours, films and recorded music to begin at 07.00 Monday – Sunday to allow breakfast opening.
3. To extend terminal hour for opening hours until 02.30 Monday – Sunday.
4. To remove all conditions contained within annex 2 of the premises licence and replace with the operating schedule detailed below.
5. To add in non standard timings as detailed in the application.

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

N/A

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.

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

In all cases complete boxes K, L and M

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"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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)		
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	07.00	02.00	Please give further details here (please read guidance note 3) Amplified music video, sport, entertainment programs and any entertainment of a like kind (nothing of an adult nature)		
Tue	07.00	02.00			
Wed	07.00	02.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07.00	02.00			
Fri	07.00	02.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	07.00	02.00			
Sun	07.00	02.00			

		<p>days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
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C

<p>Indoor sporting events Standard days and timings (please read guidance note 6)</p>			<p>Please give further details (please read guidance note 3) The playing of indoor pub games, eg skittles, pool, snooker and darts</p>
Day	Start	Finish	
Mon	10.00	02.00	
Tue	10.00	02.00	<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p>
Wed	10.00	02.00	
Thur	10.00	02.00	<p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	02.00	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	02.00	Please give further details here (please read guidance note 3) Music may be via artists singing, karaoke, DJ and other of a similar nature		
Tue	10.00	02.00			
Wed	10.00	02.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	02.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10.00	02.00			
Sun	10.00	02.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07.00	02.00	Please give further details here (please read guidance note 3) Amplified music played through an in house sound system		
Tue	07.00	02.00			
Wed	07.00	02.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	07.00	02.00			
Fri	07.00	02.00	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		
Sat	07.00	02.00			

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 checked="" 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 boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

			guidance note 5)
Sun	07.00	02.00	<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	02.00	Please give further details here (please read guidance note 3) Dancing by staff throughout the premises		
Tue	10.00	02.00			
Wed	10.00	02.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	02.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10.00	02.00			
Sun	10.00	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) 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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	02.00		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue	10.00	02.00	Please give further details here (please read guidance note 3)		
Wed	10.00	02.00			
Thur	10.00	02.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance		

Fri	10.00	02.00	note 4)
Sat	10.00	02.00	<p>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)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Sun	10.00	02.00	

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	02.00	<p>Please give further details here (please read guidance note 3) Hot food and drink provided as and when required including functions or events</p>	Both	<input checked="" type="checkbox"/>
Tue	23.00	02.00			
Wed	23.00	02.00	<p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</p>		
Thur	23.00	02.00			
Fri	23.00	02.00	<p>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)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>		
Sat	23.00	02.00			
Sun	23.00	02.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	
			On the premises	<input type="checkbox"/>
			Off the premises	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	08.00	02.00		
Tue	08.00	02.00		
Wed	08.00	02.00		
Thur	08.00	02.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	08.00	02.00	An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.	
Sat	08.00	02.00	An additional hour to the standard and non-standard times on the day when British Summerime commences.	
Sun	08.00	02.00	New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

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	07.00	02.30	
Tue	07.00	02.30	
Wed	07.00	02.30	
Thur	07.00	02.30	
Fri	07.00	02.30	
Sat	07.00	02.30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, On all Bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Sun	07.00	02.30	

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

To remove all conditions contained within Annex 2 of the premises licence and replace them with the Conditions below.

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

Licence to follow under separate cover as application submitted online

M 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 premises licence holder has considered the impact of the proposed variation and notes that the premises fall within the cumulative impact policy area.

Pre-consultation has taken place with Fred Spriggs at the Licensing Authority and Jim Mooney, Police Licensing Officer. The premises had operated with a number of temporary event notices to the hours that had been requested which have not had a negative impact on the licensing objectives. Further the premises believe that the extension of hours at the premises will have a positive effect on the licensing objectives. This is because at present the premises currently have to cease licensable activities at 1am at which time many customers have not finished their evening and they therefore go onto other later licensed premises in Hereford, many of which are open until 3am. By Yates extending their hours until 2am, as has been experienced under temporary event notices and from customer feedback, it is believed that the customers will remain in Yates until the new closing hour and will then leave the premises and go home. Thus, preventing double migration and also preventing further potential flashpoints around the later premises in the early hours of the morning.

The premises have also made enquires in relation to crime and disorder associated with their premises which has shown a significant decrease year on year of alcohol related incidents.

The operating schedule has also been redrafted taking into account conditions requested by the Police Licensing Officer. In particular, it is also submitted that the inclusion of the last admission time of 1am will help reduce the movement of customers around the cumulative impact area. This condition is not currently on the premises licence.

The premises have also considered the Herefordshire Licensing Policy. The licensing policy references zoning of hours as being avoided and rather references a general principle of later opening so that customers can leave for natural reasons, slower over longer periods will be promoted to prevent unnatural concentrations of people.

The cumulative impact policy in Hereford has been in existence for a number of years. The purpose of the policy as stated in annex a, looks at the undesirable consequences where there is a cumulative effect of licensed premises, for example an increase in crime both against property and persons, an increase in noise and disturbance to residents, traffic congestion and/or parking difficulties, littering and fouling. There is no evidence that the premises have caused an increase in crime and indeed the Freedom of Information Act request shows that the premises have significantly reduced their crime incidents associated with their premises. There is no evidence of noise and disturbance to residents, traffic congestion, parking difficulties or littering and fouling. Therefore, using principles of case law established in Brewdog and the recent Sainsburys case, copies of which are attached, the submission is made in this case that the premises can demonstrate comprehensively that they will not add to the existing problems in the area and further the granting of the application will further reduce the potential for any additional crime and disorder.

b) The prevention of crime and disorder

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 on entrance of exits cameras. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.
2. CCTV will cover external areas at the front of the premises (Commercial Road) to cover any areas used for customer queuing.

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.

Copies of the CCTV will be made available to the Police as soon as reasonable practicable and in any event within 48 hours of the request. In the event of a serious incident (as defined at the time by the duty senior police commander for the area) copies of the CCTV will be made available to the Police on demand.

The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police or an authorized person (as defined by Section 13 of the Licensing Act 2003).

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/Duty Manager MUST report the failure to the Police on contact number 0300 333 3000 immediately.

3. SIA Licensed Door Staff will be employed at the premises as shown below, until the termination of licensable activities. When employed externally door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

a) On a Friday and Saturday and on a Sunday proceeding Bank Holidays:
Two (2) SIA door staff shall be employed from 2100hrs
One (1) Additional (total 3) SIA door staff shall be employed from 2200hrs
Two (2) Additional (total 5) SIA door staff shall be employed from 2230hrs

b) On Thursday from 2130hrs Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200 .One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)

c) On Sunday from 9.30 pm - two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200 .One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)

d) When the bar in the external area is operational, one (1) additional SIA door supervisor shall be employed within the external area on a Friday and Saturday night and on a Sunday preceding a Bank Holiday from 2130hrs to the end of licensed hours.

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

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

4. An incident log must be kept at the premises, and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (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 persons refused entry to the premises
 - (h) any visit by a relevant authority or emergency service
5. A system shall be in place which is capable of recording electronically and at the time, any refusal of sale of alcohol. The recording shall show the date and time and operators identity. Such information will be made available to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the police on demand at any time after the 24 hour period following the sale
6. No customers carrying open bottles upon entry shall be admitted to the premises at any times when they are open for licensable activities.
7. No open containers shall be removed from the premises.
8. The premises shall be an active member of the locally operated pub watch scheme while such a scheme or similar exists.
9. A Hereford City centre 'Pub Watch Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.
10. A Personal Licence holder will be on the premises from 9 pm until the end of licensable activities on a Friday, Saturday and on any bank holiday or day proceeding a bank holiday and on any day from 9 pm when the premises is open after 12.15 am for licensable activities.
11. 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 Herefordshire Council Trading Standards within one 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 shall be 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.

12. The premises will operate with a minimum of two floor walkers who will be on duty as a minimum on Friday and Saturday nights and Sundays preceding a Bank Holiday from 8pm until close. The floor walkers responsibilities are set out in the floor walkers policy attached to this operating schedule.

c) Public safety

1. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
2. A system shall be place which is capable of showing the number of persons on the premises at any time after 8.30 pm until the end of licensable activities on a Thursday, Friday, Saturday and Sunday. This number shall be given immediately on demand to an authorised person (as defined by Section 13 of the Licensing Act 2002) or police.
3. The reasonable requirements of the Building Control officer will be complied with.
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised person (as defined by Section 13 of the Licensing Act 2002) or Police on demand.

d) The prevention of public nuisance

1. 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.
2. 'Noise' from the premises should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.
3. On Friday, Saturday, Sundays before bank holidays, all bank holidays (except Christmas Day) and all other times when the premises is licensed to remain open the licensable activity of the sale/supply of alcohol after 0200hrs, the last time of entry for all customers will be 0100hrs.
4. The rear external area/beer garden shall not be used for Licensable activities after 01.00 hrs. It can be used as a 'smoking area' but the premises licence holder or DPS shall ensure that no drinking vessels are taken in to the area at this time. They shall also ensure that customers do not remain in the area after this time for excessive times.
5. NO regulated entertainment will take place in any external Areas of the premises AFTER 2200hrs.
6. All external doors to the beer garden must be kept closed except for entrance and

exit at all times from 2200hrs. Windows shall be closed at 23:00 hours and adequate ventilation provided.

7. The indoor sporting events shall be restricted to darts, pool, snooker, skittles or other minor sporting games of a similar kind.
8. The exhibition of films shall be restricted to video/DVD entertainment and shall be controlled by the licensee.
9. The premises will operate a dispersal area at the premises a copy of which is attached to the operating schedule and further copies will be provided to the Licensing Authority and Responsible Authorities upon request.

e) The protection of children from harm

1. Persons under the age of 18 will not be allowed on the premises at any time unless accompanied by a person over the age of 18 years.
2. Persons under the age of 18 years will not be permitted on the premises in any event after 2100 hours when regulated entertainment is offered (unless they are attending a private function held on the premises and are accompanied by a person over the age of 18 years).
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 an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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.
4. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
5. 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).

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- 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 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 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

Signature	[Redacted]
Date	04/02/2015
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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	N/A
Date	N/A
Capacity	N/A

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

Clare Eames
Poppleston Allen Solicitors
31 Southampton Row

Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7486		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.eames@popall.co.uk			

Notes for Guidance

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

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

TAB 3



The Company

Stonegate Pub Company is the largest privately held managed pub operator in the UK operating 620 pubs across the country. The business consists of branded and unbranded pubs and bars which include community and local pubs which cater for customers within the local neighbourhood; high street venues including the Slug & Lettuce, Yates's and Scream brands that attract businessmen and women, tourists, families, and students; Bars & Venues which are late night bars and nightclubs.

Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered. Its pubs and bars continue to benefit from a multi-million pound investment programme that continually strives to improve amenities and community facilities. Free Wi-Fi is now standard across the estate.

People

The company employs over 12,500 people and make significant investment in the training and development of their staff. A leading edge, award winning training programme ensures all front-line staff are equipped with the necessary learning's to safely and legally operate within the business. Within the last 6 months alone over 94,000 training modules have been undertaken by pub staff.

Community and Social Responsibility

All site managers are encouraged to join their local Pubwatch, town centre management or business improvement forums, wherever they operate. Entry into Best Bar None programmes has resulted in many Stonegate pubs across the country being recognised for their contribution in helping create safer environments for staff and customers alike.

Engagement with the local community takes place in many forms, from supporting community groups, providing facilities for clubs and teams, to providing meals for local OAP's. Hundreds of thousands of pounds is raised for local and national charities each year – Variety, the children's charity has benefitted to the extent of over £300,000 this year, changing the lives of many disadvantaged children.

The Senior Management

Stonegate Pub Company is operated by a team of highly experienced directors that have a wealth of industry experience.

Ian Payne is Chairman of Stonegate Pub Company. Ian, an accomplished expert in the licensed leisure sector, has held Board positions with Bass Taverns, Stakis plc and Ladbroke gaming. He was CEO of the Laurel Pub Company from its inception

in May 2001 through to December 2004 and later Chairman of the Bay Restaurant & Town and City Pub Groups prior to formation of Stonegate in November 2010. Ian started his career in the trade behind the bar of a local pub more than 35 years ago.

Simon Longbottom serves as the Chief Executive Officer at Stonegate Pub Company Limited. Simon served as the Managing Director of Pub partners at Greene King Plc since 2010. He served as Managing Director of Gala Coral's gaming division. He has over 11 years experience in the public sector having held senior positions at Mill House Inns and Mitchells & Butlers.

Graham Jones is Chief Operating Officer of Stonegate Pub Company. A high performing professional, Graham has held senior operations positions in Whitbread PLC, Laurel Pub Company, Greene King, Barracuda Group and more recently Punch Taverns.

Suzanne Baker is the Commercial Director of Stonegate Pub Company, responsible for all commercial contracts including purchasing and property. Suzanne has spent her career within the licensed leisure sector having previously held Board positions in Bay Restaurant Group, Laurel Pub Company and JD Wetherspoon. She commenced her career joining Grandmet Retail in operations progressing within the marketing and purchasing roles across national brands, including Chef & Brewer.

Tim Painier is the HR Director of Stonegate Pub Company. Tim, who joined from Musgrave Retail Partners, has extensive experience in HR strategy, leadership and development, and change management across the retail sector.

Richard Bruce is the Marketing Director of Stonegate Pub Company. Richard joined from Home Retail Group plc where he was head of brand and customer proposition programme at Homebase. He has a strong background in developing and implementing category strategy and previously worked with retail giants Marks & Spencer and Argos.

TAB 4

DISPERSAL POLICY

This Policy details the actions which need to be taken with regard to compliance with the Licensing Act 2003. It is also designed to improve the wider management of the late night economy by detailing the steps which need to be taken to reduce the potential for disorder and disturbance.

It is considered by the Company that the majority of disturbance and disorder is likely to occur as a result of a poorly thought out approach to managing the end of night period. The following Policy sets out the steps which should be taken at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. This includes measures to disperse customers over an extended period and also to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that the Company has no direct jurisdiction outside of the boundaries of Company premises although we will continue to use our best endeavours to encourage customers to leave the immediate area in an appropriate fashion.

Key Control Measures for All Sites

1. Progressive Winding Down

In all instances the premises should ensure that the playing of music, which includes recorded music, live music and DJ music (where provided) is progressively wound down over the last half hour of the trading session, or immediately after the service of alcohol ceases. During this period it is the responsibility of the General or Duty Manager to ensure music is played which is of a quieter nature and a lower BPM.

Lighting levels throughout the premises should be gradually increased over the same period and not raised in a single step just prior to closure.

2. Announcements and Signage

Towards the end of the night announcements should be made, if possible, which include the following:-

- a) All customers are reminded that they must not take alcohol off the premises and this should be enforced by the provision of appropriate signage at the exit points of the venue and also all door supervisors must ensure that bottles and glasses are removed from any customers who are attempting to leave the premises with them.
- b) Customers should be asked to leave the premises in an orderly manner. Again, signage should be erected at appropriate exit points thanking them for their custom and requesting in addition that customers are considerate when they leave the premises.

- c) Details of local public transport and / or taxi services should be easily available to customers to enable them to disperse easily. This can be achieved by means of signage or by the availability of business cards for local taxi companies.

3. Door Supervisor's Role

Where utilised, it is the responsibility of the Door Team, in conjunction with the Site Management Team, to use their best endeavours to ensure:

- a) Customers who are leaving the premises do so in a quiet and orderly manner.
- b) If groups of customers are found to be loitering outside the premises after leaving they should be politely asked to move on.
- c) No bottles or glasses are permitted to be taken outside the site.
- d) Customers should be encouraged to leave gradually over the permitted period of "drinking up time".
- e) The practice of "herding out" customers as soon as service of alcohol has ceased should be discouraged and customers should be encouraged to leave gradually over the course of "drinking up" time.
- f) Members of the Door Team should be visible outside the unit for a period of time after closing until all groups of customers have left the vicinity.

4. General / Duty Manager's Role

It is the ultimate responsibility of the General or Duty Manager to ensure that:-

- a) The Door Team are acting effectively and responsibly in line with their responsibilities detailed above.
- b) Customers are not causing any disturbance or nuisance within the vicinity of the unit. If any disturbance is occurring then customers should be asked politely to move on, if safe to do so, or authorities should be called to assist if situation becomes hostile.
- c) A member of the Management Team should be visible with the Door Team until all groups of customers have dispersed.

TAB 5

Yates's, Hereford
Schedule of Granted TENs

Dates	Times	Event
11-16 November 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
21-23 November 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
28-30 November 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
5-7 December 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
12-14 December 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
19-21 December 2014 (early hours on each day)	01:00 to 02:00 hours	Extension of Hours
20-23 December 2013 (early hours on each day)	01:00 to 03:00 hours	Fundraising for Beths Wishes
15 December 2013	01:00 to 03:00 hours	Big weekender
8 December 2013	01:00 to 03:00 hours	Xmas Party
27-29 September 2013	01:00 to 03:00 hours	Fundraiser
16-18 August 2013	01:00 to 03:00 hours	A Level Results Party
27-28 July 2013	01:00 to 03:00 hours	Caribbean Weekend

TAB 6

19 March 2015

CE/SCA/L10420-8789
Doc Ref: 2145000156

c.eames@popall.co.uk

0203 078 7486

Dear Sir/Madam,

Yates's Hereford, 58 Commercial Road, Hereford, HR1 2BP
Application for variation of premises licence

I act on behalf of the owners and operators of Yates's in Hereford in relation to licensing matters.

As you will be aware, my clients submitted an application to extend their trading hours at the premises and also aware you have submitted a letter of representation raising concerns about the premises. The matter is due to be determined by the Licensing Authority on the 26th March and I am writing to you as my clients' general manager and DPS Paul Neades would welcome an opportunity to meet with you to discuss your concerns and also to explain to you how the premises will be managing the event of the application for later hours is granted.

In relation to the application to assist, I attach a copy of the application as you may in particular be reassured by some of the conditions in the premises licence but will be enshrined in the event that the application is granted for example in relation to the use of the outside area. I also attach the dispersal policy.

In respect of meeting my clients, Paul will be at the premises between 6 and 7 pm next Wednesday 25th March to host a resident's meeting. Unfortunately Paul is away on holiday from today and cannot do any sooner however, if you did wish to discuss the matter with him on the phone then please do not hesitate to contact him on 01432 273078. Alternatively, whilst Paul is away (until Tuesday) please feel free to contact Dale Brown his Assistant Manager.

If I can be of any assistance, then please do not hesitate to contact.

Yours sincerely



Clare Eames
Poppleston Allen
Encs.

TAB 7

thePublican's **Morning Advertiser**

Leading licensing barrister slams councils over "iron-rule" approach to cumulative impact zones

By Noll Dinkovski, 28-Oct-2013

Related topics: General News

A leading licensing barrister has slammed local councils for their "iron-rule" approach to cumulative impact zones (CIZs) after helping Sainsbury's win a court appeal against a refusal of a premises licence.

Phillp Kolvin QC said councils were using cumulative impact policies as an excuse against granting further licences. He argued that instead, such policies should do nothing more than give councils the right to ask applicants to demonstrate that the licence will not impact negatively on the CIZ.

Kolvin said: "Councils can't refuse licences simply on the basis that a cumulative impact policy is in place. In this most recent case, we successfully argued on the basis that it is not an iron-rule - all it does is compel the applicant to demonstrate that their proposal will not have a negative impact on the area."

Irrelevance

Sainsbury's won the appeal against Leicester City Council after it successfully argued that the issue of street drinking in the zone had been addressed through licence reviews and dealing directly with street drinkers.

Kolvin explained: "The council's case was that its progress ought not to be threatened by yet more licensed premises, even if it was a well-run operator such as Sainsbury's.

"However, any impact they were talking about had long since vanished. They hadn't reviewed their policy, and we successfully argued that the policy had become an irrelevance."

Kolvin expressed his surprise that there were so many CIZs across the country - estimated to be around 150 at the moment.

He believed the latest ruling should give encouragement to any business wishing to apply for a licence to sell alcohol in a CIZ.

Merits

Kolvin said: "This case demonstrates the critical importance of giving individual consideration to the merits of applications and appeals, even when an application is contrary to a directly applicable cumulative impact policy."

"We have moved the argument a little, to show that you can win convincingly in a stressed area, if you present the right case - as we did for BrewDog in Leeds last year."

He added: "Any licensed premises applicant should think through what impact it is going to have, and think through what procedures and management policies they are going to put in place to ensure it don't add to that impact."

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IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

- and -

Appellant

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF
DISTRICT JUDGE ANDERSON
6th SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.



Neutral Citation Number: [2008] EWHC 838 (Admin)

Case No: CO/5533/2006

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 06/05/2008

Before:

THE HONOURABLE MRS JUSTICE BLACK

Between:

Daniel Thwaites Plc	<u>Claimant</u>
- and -	
Wirral Borough Magistrates' Court	<u>Defendant</u>
- and -	
The Saughall Massie Conservation Society	1st Interested Party
- and -	
Wirral Metropolitan Borough Council	2nd Interested Party

David MW Pickup (instructed by Naphens plc) for the Claimant
The Defendant did not appear and was not represented
David Flood (instructed by Messrs Kirwans) for the 1st Interested Party
Matthew Copeland (instructed by Wirral MBC) for the 2nd Interested Party

Hearing date: 10th March 2008

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I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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Black J :

1. This is an application by Daniel Thwaites Plc ("the Claimant") for judicial review of a licensing decision made by the Wirral Magistrates' Court ("the Magistrates' Court") on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Mr Justice Pitchford on 2 November 2006.

The factual background

2. The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises ("the premises"). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral ("the licensing authority") for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.
3. In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 p.m. and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p.m., with the doors closing one hour after the last alcohol sale every night.
4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society ("the First Interested Party") and other Saughall Massie residents.
5. The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later "on special occasions" This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.
6. The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays.

Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p.m., that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

7. The Saughall Massie Conservation Society and "others" appealed against the licensing decision to the Magistrates' Court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of the Licensing Act 2003".
8. The appeal occupied the Magistrates' Court from 3 – 5 April 2006. The respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.
9. The justices granted the appeal. Their Reasons run to 3 pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 p.m. and alcohol sales until 11.30 p.m. on all nights except Friday and Saturday when entertainment would be permitted until 11.30 p.m. and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 a.m.. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.
10. The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates' Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' Reasons make no reference at all to these matters. As to the statements of the "Witnesses of the Appellant", they say simply that they have read and considered them but attached little or no weight to them.

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11. The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such as R v Westminster City Council ex p Ermakov [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

The legal background

13. The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.
14. Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12. In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose

the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

15. Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities---

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

16. To carry on a licensable activity, a premises licence granted under Part 3 of the Act is generally required, section 2. Application for a premises licence must be made to the relevant licensing authority, section 17(1).

17. By virtue of section 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the "licensing objectives". These are set out in section 4 as follows:

"S 4(2) The licensing objectives are---

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm."

18. In carrying out its licensing functions, by virtue of section 4(3) the licensing authority must also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182.

19. Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 ("the Guidance"). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

20. The Foreword says that the Guidance

"is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not

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mean we are intent on eroding local discretion. (On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice."

21. As the Guidance says in paragraph 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

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

22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in section 17(4) which are as follows:

"(a) the relevant licensable activities,
(b) the times during which it is proposed that the relevant licensable activities are to take place,
(c) any other times during which it is proposed that the premises are to be open to the public,
(d) where the applicant wishes the licence to have effect for a limited period, that period,
(e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
(f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
(g) the steps which it is proposed to take to promote the licensing objectives,
(h) such other matters as may be prescribed."

23. Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

24. Section 18(2) provides that, subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:

"(a) such conditions as are consistent with the operating schedule accompanying the application,
and
(b) any conditions which must under section 19, 20 or 21 be included in the licence."

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25. Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.
26. Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal "relevant representations" are defined in section 18(6) as follows:
- "(6) For the purposes of this section, "relevant representations" means representations which—
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
 - (c) ..."
27. Subsection (7) provides:
- (7) The requirements of this subsection are—
- (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
28. Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of section 18(3)(b), the authority must also:
- "(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives."
29. Section 18(4) provides:
- "(4) The steps are—
- (a) to grant the licence subject to—
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application."
30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.

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31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc.) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.
32. The Act makes provision in Part 5 for "permitted temporary activity" which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.
33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates' court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

The detail of the claim

34. The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates' Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.
35. There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, section 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."
36. Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

37. Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in J. D. Weatherspoon plc v Guildford Borough Council [2006] EWHC 815 (Admin), he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".
38. There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As paragraph 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:
- "When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."
- This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a magistrates' court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.
39. In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they

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have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

40. The foundation of the Claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in section 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, section 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must "take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives" (the steps in subsection (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example paragraph 7.5 and also paragraph 7.17 which includes this passage:

"Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose."

41. The Guidance also refers a number of times to the need for regulation to be "proportionate". This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being "necessary", it must in my view be confined to that which is "proportionate" and one can understand why the Guidance spells this out.
42. Mr Pickup submits, and I accept, that the Act anticipates that a "light touch bureaucracy" (a phrase used in paragraph 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

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"7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives."

43. The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with paragraph 6.1 which reads:

"This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply."

44. It continues:

"6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions."

45. The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.
46. The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the

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new revised licence. This was in line with the oral evidence of Police Sergeant Yohya (as recorded in the rather truncated notes of the legal advisor):

"I reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises."

47. To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to "make hay while the sun shines" and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of "little evidential value" in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.
48. It is plain that the magistrates' particular concern was "migration" rather than problems generated by those coming directly to the premises for their evening out. Under the heading "The Four Licensing Objectives", they say that they accept that there have been no formal or recorded complaints against the premises "but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority". Under the heading "Migration/Zoning" they begin:
- "The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]"
- and end:
- "We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality."
49. They reiterate their concern under the heading "Nuisance (Existing/Anticipated)" saying that they "feel that public nuisance will be inevitable".
50. The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.

51. Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.
52. Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said,

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a.m. to 1.00 a.m., 1.00 a.m. closing at 2. 280 people leaving premises. Other premises subject to high levels of crime migration not an issue." [my italics]

53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration or disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting:

"We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms."

In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

54. It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the

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magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.

56. The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at paragraph 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.

58. I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

59. What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading "Flexibility" under which the magistrates say simply:

"We have considered the concept of Flexibility."

In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in paragraph 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, "the application for extended hours was to allow *flexibility* to open later on certain occasions". As the First Interested Party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.
61. The magistrates' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.
62. There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed)

Approved Judgment

would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

63. It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.
64. I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas

they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, "...there is also the question of Police resources and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake".

65. Reference is made in the response documents to the court feeling that the Brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is "a village pub and not a night spot in the centre of town". For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.
66. Mr Beere's statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, "I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises.". Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority

ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

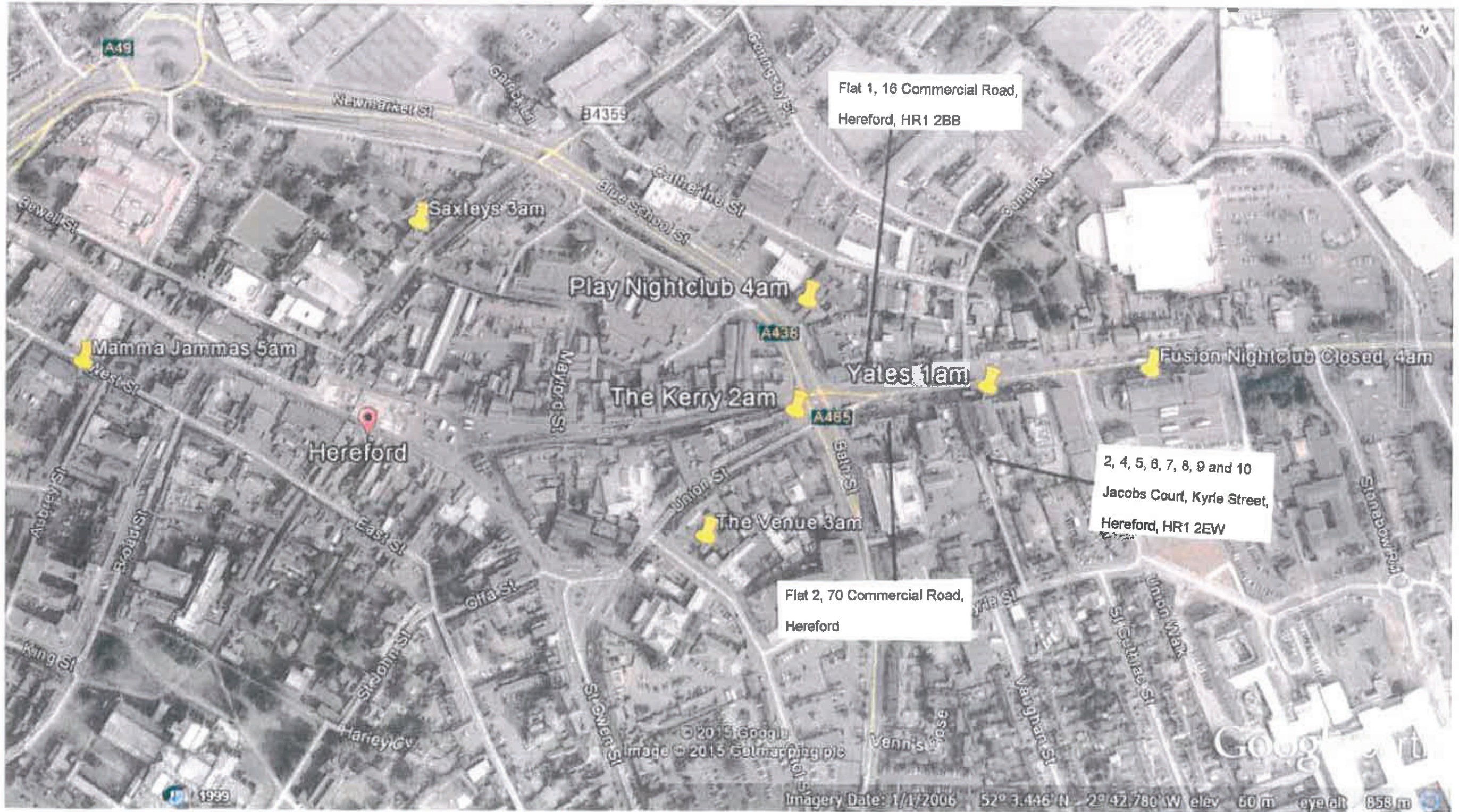
The costs argument

68. In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

TAB 8

Location Plan

Yates's, 58 Commercial Road, Hereford



Showing licensed premises within the area opening beyond the 1am trading hours of Yates's and residents addresses who have submitted representations

TAB 9

Witness Statement

Statement of: **Paul Neades**

Age: **Over 18**

Occupation: **Designated Premises Supervisor**

Personal

1. My name is Paul William Neades and I live at [REDACTED]
2. I am the Designated Premises Supervisor and General Manager of Yates's, 58 Commercial Road, Hereford, HR1 2BP.
3. I have been the General Manager at the premises since 2000, when the pub was known as the Litten Tree. I have had two breaks from working at the premises, one lasting two years from around 2000 – 2002 and a further lasting six months in 2007. Otherwise I have remained in my role at the premises for the past 15 years.
4. Prior to working at the premises, I was the General Manager of Euphoria Nightclub in Bromsgrove for two years and before that I worked as a Manager at Euphoria Nightclub in Leominster.

Yates's, Hereford – The Premises and Operation

5. Stonegate Pub Company Limited acquired the premises from Town And City Pub Group Limited in August 2011.
6. The premises changed from Litten Tree to Yates's in 2012. The premises is primarily food based during the day, catering in particular for office workers on their lunch breaks and shoppers.
7. During the week (Sundays to Wednesdays) the evenings remain quite food based. The premises is quieter and we usually shut at around 10pm.
8. On Thursdays, food service stops at around 9pm and the premises becomes more focussed on entertainment. We have a DJ on and will trade until 1.30am if we are busy. Thursdays usually attract a slightly older crowd of around 25 years and over.
9. Friday nights are quieter than Thursdays and attract a younger crowd.
10. Saturday nights are entertainment led. We often welcome groups and put on activities for them, such as cocktail classes. After 9pm, the focus moves onto music

Signature: Signature witnessed by

Document Ref : 2145225268

and dancing. Customers tend to be mixed ages, and the older crowd will stay with us until around 1.30am.

11. Our customers are all ages from 18 – 80 and are very well behaved. We do not have any problems from them.

Noise Management

12. We have a very sophisticated sound system and manage the music levels carefully. For example, when the music on the dance floor volume is turned up, the volume levels at the bar are quieter and there is no music at all at the front of the premises. This ensures that people who want to enjoy the music and dance can do, but at the same time if people want to talk then they can easily hear each other.

13. We have an external area to the rear of the premises. Since March 2015 we have not had any regulated entertainment after 10pm in the rear garden. Prior to that we occasionally had entertainment but I am not aware that this caused any issues.

14. We have a licensing manual containing various policies including a dispersal policy. Staff are fully trained in the licensing manual and the individual policies at the start of their employment with refresher training at regular intervals. We also have management procedures and training in respect of our responsibilities to control noise disturbance.

15. The doors to the front of the premises and leading from the dance floor to the rear garden have been fitted with automatic closing mechanisms. All external doors have incumbent rubber strips to prevent noise breakout.

16. In addition, the structure of the premises has created a L-shape corridor from the dance floor to the rear garden which significantly dampens any music noise escape.

17. The garden is monitored every evening whether the garden bar is open or shut. If the bar is open we employ an extra doorman to be permanently in the area. The staff check the garden during the day as part of their normal cleaning rounds. The area is covered by 2 x CCTV cameras 24hrs a day.

18. In the winter, from around November to February, we erect a large marquee in the rear garden which further reduces the risk of any noise escape from people in the

Signature: Signature witnessed by

garden. During the summer we have large jumbrellas in the garden which again assists in minimising the potential for noise disturbance from people using the area.

19. In the 15 years that I have worked at the premises I have only known of three complaints of noise. The first was when the flats above were first built several years ago. At this time a gentleman said he could hear the bass from the music. We turned this down and the issue was quickly resolved. The second complaint was from houses at the rear of the premises about seven years ago. This complaint concerned noise from bottles. We moved our bottle collection to earlier in the day and again the issue was resolved. The third was in September 2015 when a local resident whom I know spoke to us about music escaping from the front door, which had been ajar. We immediately rectified this and door staff were reminded of their duty to keep the front door shut. We have since spoken several times with the resident concerned and I understand the issue is resolved from this individual's point of view. I do make strenuous efforts to react promptly and effectively to any concerns from neighbours, although as I have said over the years these concerns have been few and far between.

Role in the Community and Relationships with Others

20. I get on extremely well with all my neighbours and have excellent relationships with the responsible authorities.

21. I am pleased that many of my local neighbours are customers of Yates's.

22. I set up the local Pubwatch group and I am an Advisor for National Pubwatch. I take an active role in community initiatives and maintain close contact with the Police and Licensing Authority.

Flats Above Yates's

23. Some years ago residential flats were built above Yates's. However, the workmanship of these flats was not good and many are unoccupied. I would estimate that of 10 or 11 flats, only two are occupied and the others are empty and locked up.

Signature: Signature witnessed by

- 24. Apart from the toilets Yates's operates on the ground floor. On the first floor there are toilets, the office, kitchens, manager's flat and a staffroom. On the second floor there are two flats, one of which is occupied by a young couple and their child. On the third floor there are again two flats and again I believe only one of these is occupied. The unoccupied flat belongs to Alison Rogers. There is therefore a whole 'office' floor between Yates's public areas on the ground floor and the nearest residential flats above.
- 25. The couple who live in the flat on the second floor are customers of Yates's and I get on well with them.

Hereford and the Night Time Economy

- 26. Hereford's licensed premises and night time economy offer has changed dramatically in the 15 years since I have worked here. Many local nightclubs have close and trade across the town has dropped.
- 27. The current night time economy is extremely difficult to trade in.
- 28. Footfall at Yates's is down by around half of what it was one to two years ago. As an estimate, we welcomed about half as many customers on a recent Saturday night as we did on the same Saturday in 2014.
- 29. Since the application to vary the premises licence was granted in March 2015, I have been able to take advantage of the later hours which has helped my business enormously. My customers do not have to leave the premises early to try and gain entry somewhere else in Hereford but will stay in Yates's for the whole of their evening and go home afterwards.
- 30. Since the variation I have noticed a significant drop in the amount of people leaving the premises to go on to another licensed venue.
- 31. The later hours are vital to my business so that I have the flexibility to be able to offer a complete evening's entertainment to my customers. Many of them are an older crowd and looking for a relaxed and friendly environment for them to enjoy until later than 1am.

This statement is true to the best of my knowledge and belief

Signature: Signature witnessed by

TAB 10

FLAT [REDACTED]
JACOBS COURT
KYRLE STREET
HEREFORD
HR1 2EW

14/10/15

Dear Sir/Madam

I am currently living in the flat [REDACTED] above Yates. I have no noise concerns about the current trading hours what so even though their back yard is directly under my balcony. This still does not cause me a problem.

If you need to contact me my number is [REDACTED]

Regards

[REDACTED]

61

TAB 11

From: Information Compliance [<mailto:information@westmercia.pnn.police.uk>]

Sent: 28 July 2014 12:53

To: Yates, Hereford

Subject: FREEDOM OF INFORMATION REQUEST REFERENCE NO: RFI 5451

Dear Mr Neades

FREEDOM OF INFORMATION REQUEST REFERENCE NO: RFI 5451

I write in connection with your request for information which was received on 25th July 2014. Please find below the response to your request:

The number of alcohol related incidents connected to Yates Hereford, 58 Commercial Road, Hereford HR1 2BP each year for the last 3 years

REPLY: Period covered January 2011 to 28 July 2014:

2014 - total alcohol related incidents recorded 07

2013 - total alcohol related incidents recorded 29

2012 - total alcohol related incidents recorded 48

2011 - total alcohol related incidents recorded 40

Every effort has been made to ensure that the information provided is as accurate as possible

Your attention is drawn to the below which details your right of complaint.

Should you have any further enquiries concerning this matter, please write or telephone the Information Compliance Unit quoting the reference number above.

Yours sincerely

Mrs R Williams

Information Compliance Unit

Business Assurance and Improvement

West Mercia Police

PO Box 55

Hindlip

Worcester

WR3 8SP

01905 331545 / 331565

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COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require West Mercia Police (WMP) to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the person that dealt with your request.

Ask to have the decision looked at again -

The quickest and easiest way to have the decision looked at again is to telephone the person named at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of WMP made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge a complaint with WMP to have the decision reviewed. WMP must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

West Mercia Police Headquarters

Information Compliance Unit

Hindlip Hall

Hindlip

PO Box 55

Worcester

WR3 8SP

In all possible circumstances, WMP will aim to respond to your complaint within 2 months.

The Information Commissioner

After lodging a complaint with WMP if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk Alternatively, phone or write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 01625 545700



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[linkedin.com/company/stonegate-pub-company-limited](https://www.linkedin.com/company/stonegate-pub-company-limited)

"Please Support Variety Childrens Charity - Stonegate's Charity for 2014"

<http://www.justgiving.com/company/stonegate>

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TAB 12



Economy, Communities & Corporate

Geoff Hughes

Mr Andy Grimsey

Email: a.grimsey@popall.co.uk

Your Ref:

Our Ref: FOI IAT 10516

Please ask for: Claire Jacobs

Direct Line / 01432 260 340

Extension:

Fax:

E-mail: accesstoinformation@herefordshire.gov.uk

15 October 2015

Dear Sir,

FREEDOM OF INFORMATION ACT REQUEST FOI IAT 10516

Further to previous correspondence, your request for information has now been considered, and the council's response is set out below:

In respect of Yates, 58 Commercial Road, Hereford, HR1 2BP

Q1 Please provide details of any complaints regarding noise, litter or other pollution which were made between 9 October 2013 and the date that you respond to this request

- A. A premise history search has been carried out at the above premises for complaints made between 9 October 2013 to date, and I am advised that no complaints have been received over this period.

Q2 In respect of each complaint please provide:

- i) A brief summary, including the time and date of the complaint**
- ii) The nature of the complaint**
- iii) The name and address of the complainant (or if that is not possible for legal reasons, the street from which the complaint originated)**
- iv) How the complaint was made (by telephone, letter, etc)**
- v) And any action taken by the Environmental Health Department as a result of the complaint**

- A. N / A – no complaints have been received.

Q3 Please confirm whether any enforcement action has been taken by your department in respect of the above premises in the period mentioned above, including any Noise Abatement Notices, formal or informal warnings (written or otherwise) and the dates of such enforcement action

A. No enforcement action has been carried out at the above premises in the period requested.

If you are dissatisfied with the handling of your request or you would like a review of the response provided, further information regarding our review procedure is available in the 'Internal Review Procedure for EIR and FOI requests' which is published on Herefordshire Council's website via the following link:

<https://www.herefordshire.gov.uk/government-citizens-and-rights/data-protection-and-freedom-of-information/data-protection>

Further information is also available from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545 745 www.ico.org.uk

Yours faithfully

CLAIRE JACOBS

INFORMATION ACCESS OFFICER

IN THE STROUD MAGISTRATES' COURT

BETWEEN :

ALISON ROGERS

Appellant

- and -

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

Respondent

CONSENT ORDER

THE PARTIES CONSENT TO THE FOLLOWING:-

1. That Stonegate Pub Company Limited be added as a second Respondent;
2. That upon the Parties agreeing terms for the disposal of this Appeal it is ordered that:
 - 2.1 This case is remitted to the Respondent Licensing Authority for a re-hearing in accordance with the following directions:
 - 2.1.1 Any further evidence relevant to the application provided by any party to the remitted hearing will be exchanged in writing no less than 14 days prior to the date of the hearing. Any response by way of rebuttal will be provided no less than 7 days before the hearing.
 - 2.1.2 The Regulatory Sub-Committee sitting at the remitted hearing will be constituted differently to the Committee which sat on the occasion which has been subject to appeal.

3. No Order for costs.

Dated this 21st 2015 day of August 2015.

SIGNED

WOODSWHUR
Devonshire House
38 York Place
Leeds
LS1 2ED

For the Appellant

SIGNED

HEREFORDSHIRE COUNCIL
The Shire Hall
St Peters Square
Hereford
HR1 2HX

For the Respondent

These pages deal with the special policy which affects Hereford City Centre.

ANNEX 1

SPECIAL CUMULATIVE IMPACT POLICY

A1 The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise and disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

A2 The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including Taxi Ranks
- Late Night Levy
- Early Morning Restriction Orders (EMRO's)
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces

A3 Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.

A4 The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter for a licensing authority to consider in developing its Statement of Licensing Policy.

A5 In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

A6 In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

A7 As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:

- Commercial Road full length (both sides) from its junction with Aylestone Hill to its junction with Blueschool Street and Bath Street – a point known as Commercial Square.
- Commercial Square, all sides and in all directions.
- Bath Street (both sides) east 50m from its junction with Commercial Square.
- Union Street (both sides) full length, both to South to St Peter's Square.
- Gaol Street (both sides) from its junction with Union Street East to a point East and starting at the private car park of Hereford Police Station.
- St Peter's Square East into St Owen Street (both sides) for a distance of 150m (opposite Hereford Town Hall).
- St Peter's Square to St Peter's Street – both sides of the streets.
- St Peter's Street to High Town pedestrian precinct – all sides and in all directions.
- High Town pedestrian precinct from its junction with High Street towards Widemarsh Street – all sides of all streets
- Widemarsh Street (both sides) north to its junction with Newmarket Street and Blueschool Street – commonly known as 'Wellington Corner'. Both sides of the streets and in all directions.
- Blueschool Street (both sides) from its junction with Newmarket Street and Widemarsh Street at a point commonly known as 'Wellington Corner' to its junction with Commercial Square
- All streets and locations enclosed within this defined area (as indicated in the shaded area of map Appendix A)

A8 A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

A9 Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also

materially and severely affects the promotion of the other licensing objectives in the above areas.

A10 The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:
New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

A11 However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

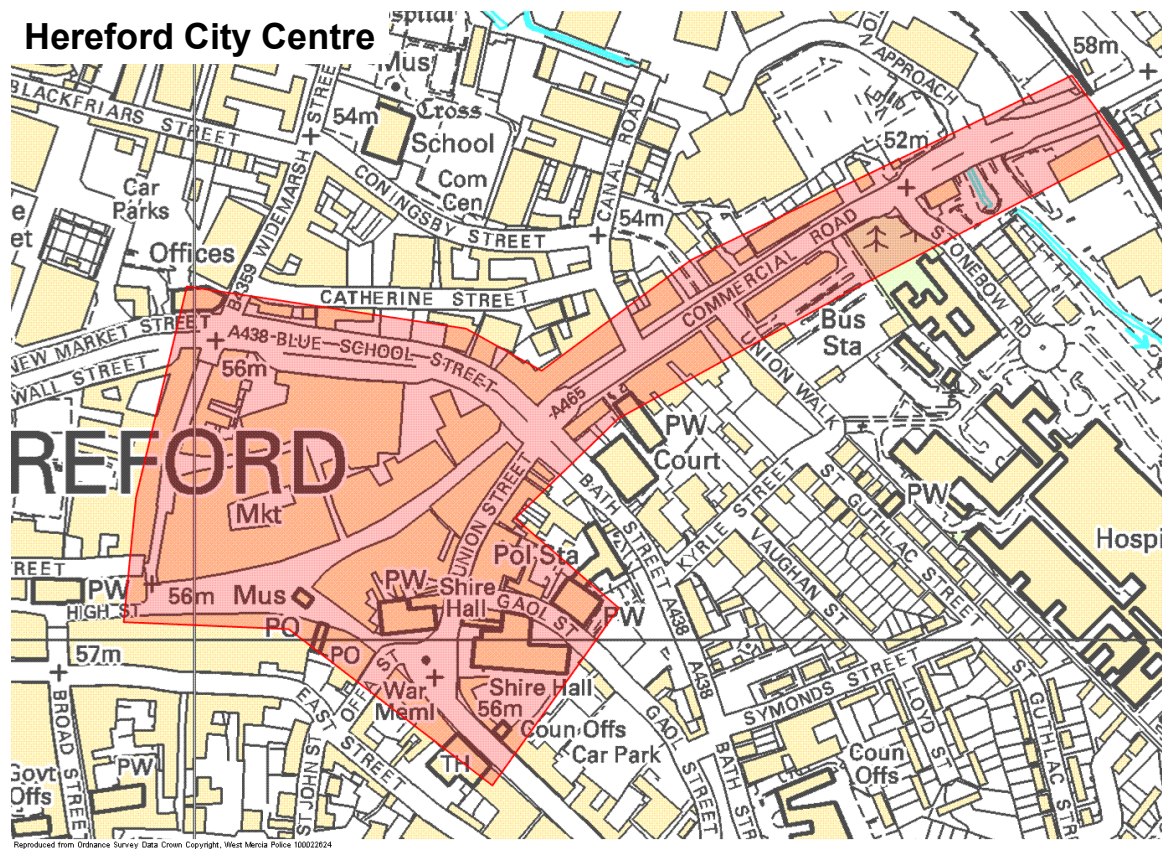
A12 The special policy will apply to all the licensable activities of:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment

Summary of Crime and Disorder in Hereford - extended Cumulative Impact Zone 2013. Version 2 (March 2013)

1.0 Overview

This document is an assessment of crime and disorder within the area outlined in red on the map below. The streets within the area are either within the existing Hereford Cumulative Impact Zone (CIZ) or within the proposed extension to that zone.



Particular emphasis is placed on crime and disorder involving alcohol disorder committed after 18:00hrs and before 04:00hrs.

2.0 Incidents

In the 12 months between 1 January and 31 December 2010 there were a total of 1003 incidents of relevant crime or disorder¹ reported in the area outlined above, of these, 229 incidents went on to be crimed (23%). Of the 1003 incidents 636 (63%) occurred between the hours of 18:00hrs and 04:00hrs, 157 of these went on to be crimed (25%).

In 2011 there were a total of 942 incidents, 201 went on to be crimed (21%). 611 (65%) occurred between 18:00hrs and 04:00hrs, 147 of these went on to be crimed (24%).

This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

In 2012 there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00hrs and 04:00hrs but in 2012 those incidents occurring in that time bracket are *as likely not more* likely to be crimed (as in previous years).

In January 2013 there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

¹ Incident types included are; Anti-social Behaviour, assaults, criminal damage, drug offences, sexual offences, public order offences, collapse/illness/injury, concern for safety, licensing, suspicious circumstances.

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00hrs and 04:00hrs.

Table of all call types throughout the day (all relevant incidents of crime and disorder 2010- January 2013)

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Illness /Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
Total	1003	942	1014	64	100.00%	100.00%	100.00%	100.00%

Table of overnight relevant call types (18:00hrs to 04:00 hrs) 2010- January 2013

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incident s 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/illness/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
Total	636	611	666	41	100.00%	100.00%	100.00%	100.00%

Within the CIZ ASB and drug offences are more likely to occur between the hours of 18:00hrs and 04:00hrs. Assaults and criminal damage are as likely to occur as during the day.

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00hrs to 02:00hrs:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
1800	15	8	16	8	17	14	11	89
1900	15	21	14	19	14	27	12	122
2000	14	12	16	19	15	19	22	117
2100	16	22	18	11	35	33	28	163
2200	20	19	24	17	26	35	27	168
2300	23	20	23	41	73	63	29	272
0000	37	19	15	32	31	85	89	308
0100	18	18	24	24	38	77	98	297
0200	15	9	12	13	14	89	84	236
0300	5	4		4	20	75	74	182
Grand Total	178	152	162	188	283	517	474	1954

Of the 1954 incidents over the period, 909 have been given the “alcohol involved” incident marker (47%).

3.0 Crime

Over the period 1st January 2010 to 31st January 2013 there were 452 incidents (18:00hrs to 04:00hrs) within the area under review that went on to receive an external crime number. Of these 35 were no crimed.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%

Herefordshire Council
The Shirehall
St Peter's Square
HEREFORD
HR1 2HX

Our ref PW/TB/ROG001-1-0/2124

Your ref MJ/GM/003591/176583

20 October 2015

Dear Sirs

Yates, 58 Commercial Road, Hereford, HR1 2BP
Premises Licence Variation Hearing - 4 November 2015

We are instructed in relation to the above matter.

As per the agreed consent order from the appeal hearing, could it please be confirmed that there will be a new licensing sub-committee for this hearing.

Due to Mr Jones' involvement as legal officer in the previous appeal, it would not be appropriate for him to hear this matter. As such, could it please be confirmed that a new legal officer has been appointed.

We would be grateful if the names of the committee and legal officer could be supplied, prior to the hearing. Could it also be confirmed that there are no conflicts of interests with those members sitting knowing or having any interest in the applicant, the applicant's representatives or those who have made representations.

Please take this letter as formal notification that we will be requesting additional time to address the committee, in relation to our client's representation, due to the number of issues that need to be addressed.

We reserve the right to serve additional evidence after the public meeting with the residents tomorrow.

Please see below the documents that we seek to rely on at the hearing:

1. Tab 1 - Alison Rogers further representation;
2. Tab 2 - Yates current premises licence - PREMPR00453;
3. Tab 3 - Current licensing layout plan attached to the premises licence;
4. Tab 4 - Planning Application beer garden layout and external bar drawing;
5. Tab 5 - Images from Flat 6, Jacobs Court looking on to Yates' rear garden and photos taken from the rear garden looking up at the residential flats;
6. Tab 6 - Applicant Location Plan and Actual Location Plan

7. Tab 7 - Images of Yates operation including rear beer garden and drinks promotions;
8. Tab 8 - Images of packed beer garden and dancers / fire breathers on top of beer garden bar;
9. Tab 9 - Sanctuary acoustics noise assessment;
10. Tab 10 - Retrospective planning application for external bar - statement in support, delegated decision report and correspondence between Stonegate Pub Company Limited's Planning Consultants and the council; and
11. Tab 11 - Relevant extracts from Herefordshire Council Statement of Licensing Policy.

We should be grateful if you could please confirm receipt of this letter and the enclosed documents. If all correspondence could please be with Paddy Whur of these offices.

Yours faithfully



Woods Whur

Further Representation of ██████████ and Local Residents

I, ██████████ make this representation on behalf of myself, as well as other local residents in relation to this application.

In addition to my previous representation, I would ask that instead of increasing the hours, that they be reduced due to the current issues created by the premises.

Background

Yates is the only pub in Hereford to have 10 private residential flats above (ie not staff residential accommodation).

At beginning of the year a nightclub a few hundred yards down road closed. The nightclub had been trading for in excess of 15 years. Yates are now promoting themselves as a club to pull in this nightclub trade and fill the void that has been left, by extending their hours. The Building was never designed to be a night club or late night/early hour drinking venue.

The Outside bar was originally a summertime 'beer area' with occasional use in the warmer weather, however since change in smoking laws and indoor smoking ban it has now become used 365 days of the year and with the licenced servery and canopy areas, has become an outside 'party venue'. Also it is the smoking area for the pub so whether alcohol is being served or not, you still can have people in the garden smoking and drinking all hours of the morning, day and night.

The Pub is seeking to extend its early morning hours, so disturbances can occur anytime of the day or night by over excited and/or drunk customers. The more people drink the louder they get. Flats to the rear have balconies and residents do not have any privacy whatsoever as they are directly observed by customers in the outside pub area.

Customers queue in Commercial road to enter, all noise and disturbances can be heard by occupiers of flats overlooking Commercial Road, and also in bedrooms (which have side windows) to flats at rear of pub. Also can be heard shrieking and shouting when queuing to enter the premises and when leaving early hours. More prominent at night time because there is no household background noise with people sleeping.

The tenant of Flat ██████ has said she regularly is disturbed by shouting and shrieking as her flat is all glass and does not have brick walls. It also upsets and disturbs her two dogs which causes them to bark and in the process causes disruption to the family in flat ██████ who have children. Also flashing lights from emergency services, who are called out to attend regularly, disturb them. She says she has in the past had issues with the parking area in Jacobs Court car park at the back of the pub and when she has gone into the pub to discuss it with staff members she has been shouted at.

Also, she said that recently the pub turned off her water supply to her flat without notifying her and she was without water. (I had been informed through a third party that a member of staff had said that the pub had deliberately turned off the water in an effort to use it as evidence to say no one was living in the flat – I was told this before I had the conversation with the tenant of number ██████ in which she confirmed it without any prompting or questioning from me).

At the end of August, the Tenant of Flat ██████ informed me that he had encountered problems with disturbance and noise but he just put up with it; he referred specifically to an incident earlier in the year when he had a friend visiting and they were on the balcony and a woman started shouting abuse up at the balcony at his friend with children present. He said the woman was known to his friend and it resulted in her being removed from the premises and subsequently being banned. At that time he said he would be happy to write a letter detailing the problems he had. However, this week he said he had been approached by Yates asking that he put in writing he has not had any issues. He said his

'mate' was a bouncer on the door and worked for Yates and he didn't want to fall out with them so has given them a letter saying he has had no issues instead. I queried the fact that he had encountered late night noise in doing so it could mean that he would have to endure it further. It was apparent he felt loyal to his friend and knew a few of the Yates staff and didn't want to fall out by saying anything against them and responded by saying he regularly frequented the pub himself and so it didn't impact so much on him as he was often in the pub himself until the early hours.

A recent conversation with ██████████ the elderly gentleman who lived directly opposite the entrance to Yates has stated that noise and disturbance in Commercial Street have escalated, with police attendance regularly. He informs me he has submitted numerous letters of complaint to the council and was concerned that the council and police gave no thought or consideration of the residents when dealing with these licences.

Most of the flats have been empty for a while and some repair work is being undertaken which will result in them being let. So these flats are likely to be fully occupied in the very near future. These are 2 and 3 bedroom properties and families with young children have occupied them and are likely to again. It is unreasonable to expect anyone, let alone children, to have to endure noise and disturbance which could otherwise be avoided if the CIZ policy is adhered to. That is why it is in place.

The premises is situated within the Cumulative Impact Policy Area and the applicant has not demonstrated that the proposed extension of hours will not add to the existing problems in the area. In fact, the watering down of conditions will mean the very opposite.

The following licensing objectives will not be promoted:

Crime and Disorder

I am concerned with the new conditions offered that as door staff will now be employed later, should the application be granted that there will be an increase in crime and disorder. The premises is situated in the Cumulative Impact Area and so door staff should not be coming on duty later.

Public Nuisance

I have submitted a noise assessment that evidences the public nuisance issues that nearby residents face, extending the hours will only lead to further issues. This coupled with the amended conditions in the variation application that seek to water down the current controls in place, will cause more noise related issues.

Images submitted show how the operation truly operates and the numbers of revellers that visit the premises regularly, filling the spot as a new night club.

I ask that the application be refused and hours reduced. I will use all evidence submitted to support my case and to highlight that this extension would add to the issues already faced.

Tab 2

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

Premises licence number - PR00453 (Minor Variation)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
YATES 58 Commercial Road Hereford HR1 2BP
Telephone number: 01432 273078

Where the licence is time limited the dates: Not applicable

<p>Licensable activities authorised by the licence</p> <p>Provision of regulated entertainment</p> <ol style="list-style-type: none"> 1. An exhibition of a film (Indoors) 2. An indoor sporting event 3. A performance of live music (Indoors) 4. Any playing of recorded music (Indoors) 5. A performance of dance (Indoors) 6. Other regulated entertainment (Indoors) <p>Provision of entertainment facilities</p> <ol style="list-style-type: none"> 7. Making music (Indoors) 8. Dancing (Indoors) 9. Other entertainment facilities (Indoors) <p>Provision of refreshment or alcohol</p> <ol style="list-style-type: none"> 10. Provision of late night refreshment (Indoors) 11. Sale by retail of alcohol (For consumption both on and off the premises) <p>Further details</p> <p>(An exhibition of a film) Insofar as it may be required, for any juke box and also for exhibition of a film principally video/DVD entertainment or prerecorded televised events on screens and TV screens.</p> <p>(An indoor sporting event) Possibility of a sporting event (eg Pub Games) being held in the presence of an audience.</p> <p>(A performance of live music) Live and amplified voice: Current PEL permits.</p> <p>(Any playing of recorded music) Recorded music by juke box and music systems: Currently permitted by PEL.</p> <p>(A performance of dance) Arranged or spontaneous exhibition dance, ancillary to acts etc.</p> <p>(Other regulated entertainment) PEL/Licensing Act 1964 exemptions currently permit.</p> <p>(Making music) As currently permitted.</p> <p>(Dancing) Public dancing as currently permitted.</p> <p>(Other entertainment facilities) Currently permitted by PEL.</p> <p>(Other regulated entertainment) Possible cabaret; comperes for functions, quizzes and similar entertainments, and the like</p> <p>Description of facilities provided</p> <p>(Making music) Possible karaoke and similar.</p> <p>(Other entertainment facilities) Possible cabaret; comedy acts and the like when dancing may be included.</p>

Films; Recorded Music;
Monday - Sunday - from 08:00 - 01:00

**Indoor Sporting Events; Live music; Dance; Other regulated entertainment: making music:
Dancing; Other entertainment facilities**
Monday - Sunday - 10:00-01:00

Late night refreshment
Monday - Sunday - 23:00-01:00

Supply/Sale of Alcohol
Monday - Sunday - from 08:00 - 01:00
Terminal hour for the sale of alcohol within the rear external area is 00:30hrs
New Year's Eve 36 hours
Change GMT to BST an additional hour;

Bank Holiday weekends Fridays to Mondays, on St Patrick's Day, St George's Day, St Andrews Day and St Valentine's Day and on the day before Christmas Eve to Boxing Day (Excluding Christmas Day) and New Year's Day - an additional hour.

Christmas Day: 12:00 - 23:00
On a maximum of 12 occasions a year, such hours as may be agreed by the police for special occasions, the police to have an absolute veto (not to be unreasonably withheld). At least 7 days notice of such a request will be given to the council and police.

The opening hours of the premises

Monday-Sunday: 08:00 - 01:45

Non Standard Timings:
An additional 45 minutes to the hours shown at box B if appropriate.
An additional 45 minutes to the hours shown at box B.

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

Alcohol-On and Off the premises

Part 2

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

**Stonegate Pub Company Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS**

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

FC029833

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

**Paul William Neades
Yates
58 Commercial Road
Hereford
HR1 2BP**

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

**Licence Number - 50
Issuing Authority – Herefordshire Council**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

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

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

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

Additional mandatory conditions:

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

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

Age verification

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

Smaller measures

The responsible person shall ensure that-

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

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

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

Mandatory condition: exhibition of films

Admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification body or that body specified in the licence unless

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification .

Mandatory condition: door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule**Licensing objectives****Prevention of Crime:**

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

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 or at the end of licensable activities.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police or an authorised person (as defined by Section 13 of the Licensing Act 2003) on demand or at the end of licensable activities.

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/Duty Manager MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. SIA Licensed Door Staff will be employed at the premises as shown below, until the termination of licensable activities. When employed externally door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
 - a) On a Friday and Saturday and on a Sunday proceeding Bank Holidays:
 - Two (2) SIA door staff shall be employed from 8.30 pm
 - One (1) Additional (total 3) SIA door staff shall be employed from 9 pm
 - Two (1) Additional (total 5) SIA door staff shall be employed from 9.30 pm

- b) On Thursday from 8.30 pm
Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200
One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - c) On Sunday from 9.30 pm
Two (2) SIA Door staff shall be employed where the number of customers on the licensed premises is between 0 and 200
One(1) Additional SIA door staff shall be employed for each additional 100 customers (or part of) on the licensed premises. (e.g 420 customer would require 4 SIA door staff)
 - d) When the bar in the external area is operational, one (1) additional SIA door supervisor shall be employed within the external area on a Friday and Saturday night and on a Sunday preceding a Bank Holiday from 21:00hrs to the end of licensed hours.
3. An incident log must be kept at the premises, and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2002) 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 persons refused entry to the premises
 - (h) any visit by a relevant authority or emergency service
4. A system shall be in place which is capable of recording electronically and at the time, any refusal of sale of alcohol. The recording shall show the date and time and operators identity. Such information will be made available to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the police on demand at anytime after the 24 hour period following the sale.
5. No customers carrying open bottles upon entry shall be admitted to the premises at any times when they are open for licensable activities.
4. No open containers shall be removed from the premises.
5. The premises shall be an active member of the HAND Scheme (Pub Watch) while such a scheme or similar exists.
6. A Hereford City centre 'Pub Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.
7. A Personal Licence holder will be on the premises from 9 pm until the end of licensable activities on a Friday, Saturday and on any bank holiday or day proceeding a bank holiday and on any day from 9 pm when the premises is open after 12.15 am for licensable activities.
8. 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 Herefordshire Council Trading Standards within one 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 shall be 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.

Public Safety:

1. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
2. A system shall be place which is capable of showing the number of persons on the premises at any time after 8.30 pm until the end of licensable activities on a Thursday, Friday, Saturday and Sunday. This number shall be given immediately on demand to an authorised person (as defined by Section 13 of the Licensing Act 2002) or police.
3. The reasonable requirements of the Building Control officer will be complied with.
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised person (as defined by Section 13 of the Licensing Act 2002) or Police on demand.

Prevention of Public Nuisance:

1. 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.
2. 'Noise' from the premises should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.
3. Where regulated entertainment is offered after midnight, no admission will be permitted during the hour before the cessation of regulated entertainment.
4. The beer garden may be used by customers for the consumption of alcohol as per the licensing hours of opening and customers shall be controlled to minimize the risk of nuisance to neighbours . The terminal hour for the sale of alcohol in the rear external area is 00:30hrs.
5. No music shall be played in the outside beer garden at any time.
6. All external doors to the beer garden must be kept closed except for entrance and exit at all times from 20:00 hours. Windows shall be closed at 23:00 hours and adequate ventilation provided.
7. The indoor sporting events shall be restricted to darts, pool, snooker, skittles or other minor sporting games of a similar kind.
8. The exhibition of films shall be restricted to video/DVD entertainment and shall be controlled by the licensee.

Protection of Children:

1. Under 18's will not be permitted in the premises if the style of entertainment offered or operation is not conducive.
2. Under 18's will not be permitted on the premises in any event after 19:00 hours when regulated entertainment is offered (unless they are attending a private function held on the

premises and are accompanied by an adult).

3. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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.
4. A written or electronic 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.

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

HOURS OF LICENSABLE ACTIVITY

	Films, Recorded Music (or similar) & Supply of Alcohol	Indoor sporting events, Live Music and Dance (or similar), Provision of facilities for making music / dance (or Similar)	Late night refreshment	Open to the public
Monday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Tuesday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Wednesday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Thursday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Friday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Saturday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145
Sunday	0800 - 0100	1000 - 0100	2300 - 0100	0800 - 0145

SEASONAL VARIATION

	Films, Recorded Music (or similar) & Supply of Alcohol	Indoor sporting events, Live Music and Dance (or similar), Provision of facilities for making music / dance (or Similar)	Late night refreshment	Open to the public
New Years Eve	36 hours as permitted under grandfather rights			
St. George's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
St. Patrick's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
St. Andrew's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Valentine's Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245

23rd December	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Christmas Eve	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Christmas Day	1200 - 2300	1200 - 2300	1200 - 2300	1200 - 2345
Boxing Day	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245
Bank Holidays (Friday – Monday)	0800 - 0200	1000 - 0200	2300 - 0200	0800 - 0245

N.B – The applicant requested an additional hour to counter act the change from GMT to BST. The Sub-Committee granted this request but noted that it would not be required at present as the premise is only open to the public until 0145.

Annex 4 - Plans

As attached - dated 03.02.2012 Drawing No. JS/053/100B

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

Premises licence number - PR00453 (Minor Variation)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description YATES 58 Commercial Road Hereford HR1 2BP
Telephone number: 01432 273078

Where the licence is time limited the dates Not applicable
--

<p>Licensable activities authorised by the licence</p> <p>Provision of regulated entertainment</p> <ol style="list-style-type: none"> 1. An exhibition of a film (Indoors) 2. An indoor sporting event 3. A performance of live music (Indoors) 4. Any playing of recorded music (Indoors) 5. A performance of dance (Indoors) 6. Other regulated entertainment (Indoors) <p>Provision of entertainment facilities</p> <ol style="list-style-type: none"> 7. Making music (Indoors) 8. Dancing (Indoors) 9. Other entertainment facilities (Indoors) <p>Provision of refreshment or alcohol</p> <ol style="list-style-type: none"> 10. Provision of late night refreshment (Indoors) 11. Sale by retail of alcohol (For consumption both on and off the premises) <p>Further details</p> <p>(An exhibition of a film) Insofar as it may be required, for any juke box and also for exhibition of a film principally video/DVD entertainment or prerecorded televised events on screens and TV screens.</p> <p>(An indoor sporting event) Possibility of a sporting event (eg Pub Games) being held in the presence of an audience.</p> <p>(A performance of live music) Live and amplified voice: Current PEL permits.</p> <p>(Any playing of recorded music) Recorded music by juke box and music systems: Currently permitted by PEL.</p> <p>(A performance of dance) Arranged or spontaneous exhibition dance, ancillary to acts etc.</p> <p>(Other regulated entertainment) PEL/Licensing Act 1964 exemptions currently permit.</p> <p>(Making music) As currently permitted.</p> <p>(Dancing) Public dancing as currently permitted.</p> <p>(Other entertainment facilities) Currently permitted by PEL.</p> <p>(Other regulated entertainment) Possible cabaret; comperes for functions, quizzes and similar entertainments, and the like</p> <p>Description of facilities provided</p> <p>(Making music) Possible karaoke and similar.</p> <p>(Other entertainment facilities) Possible cabaret; comedy acts and the like when dancing may be included.</p>
--

The opening hours of the premises

Monday-Sunday: 08:00 - 01:45

Non Standard Timings:

An additional 45 minutes to the hours shown at box B if appropriate.

An additional 45 minutes to the hours shown at box B.

Name, (registered) address of holder of premises licence

**Stonegate Pub Company Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS**

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

Alcohol-On and Off the premises

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

FC029833

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

Paul William Neades

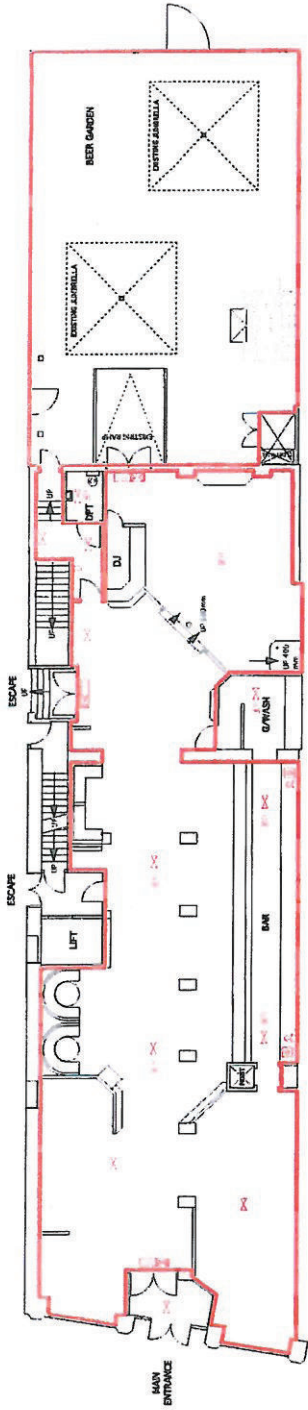
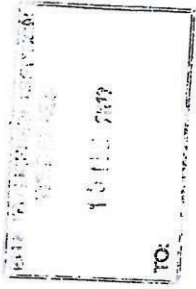
State whether access to the premises by children is restricted or prohibited

The premises shall operate a Challenge 21 Policy.

Under 18's will not be permitted in the premises if the style of entertainment offered or operation is not conducive.

Under 18's will not be permitted on the premises in any event after 19:00 hours when regulated entertainment is offered (unless they are attending a private function held on the premises and are accompanied by an adult).

Tab 3



PROPOSED GROUND FLOOR LICENSING LAYOUT 1:100@A1

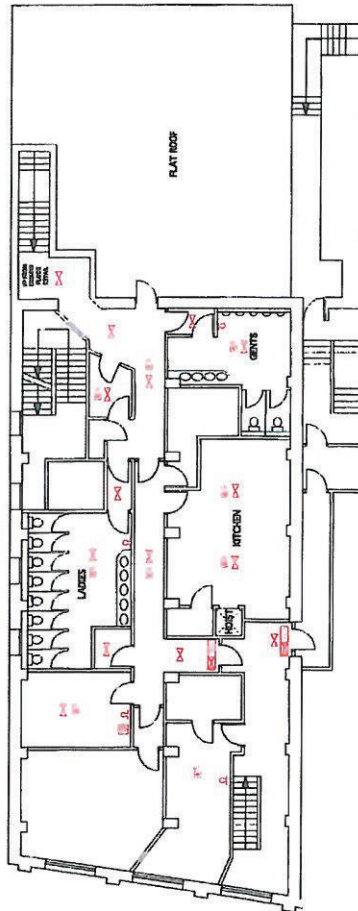
KEY FOR SYMBOLS

- FIRE RISK TO LIFE AND LIMB
- FIRE RISK TO PROPERTY
- FIRE RISK TO ENVIRONMENT
- FIRE RISK TO PUBLIC
- FIRE RISK TO BUSINESS
- FIRE RISK TO REPUTATION
- FIRE RISK TO OTHER



The location and type of any fire escape and any other safety equipment is shown as a process. This key is used to identify the fire risk to life and limb, to property, to the environment, to the public, to business, to reputation or other & fire risk assessment.

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT A REQUIREMENT OF THE LICENSING ACT 2003 IS FOR INFORMATION ONLY AND DOES NOT FORM PART OF THE LICENSING PLAN.



PROPOSED FIRST FLOOR LICENSING LAYOUT 1:100@A1

REV A: SCHEME ALTERED AT CLIENTS REQ
JAN 27/12

client: STONEGATE

project: YATES'S

HEREFORD

(FORMERLY LITTEN TREE)

PROPOSED LICENSING LAYOUT

drawing no: JS/053/00A
date: 3/2/12
scale: 1:100@A1
drawn: JAM

Japoco Design Ltd
274 The Edge,
Grove Street,
Salford,
M3 5NG
Tel: 07843248779
E: john@japocodesign.com



Tab 4

120779

PROPOSED EXTERNAL COVERS:
 EXTERNAL: 90NO.
EXISTING EXTERNAL RETAIL AREA:
 1840 SQFT / 171 SQ/M

HEREFORDSHIRE COUNCIL
 PLANNING SERVICES
 DEVELOPMENT CONTROL
 14 MAR 2012
 To: _____
 Ackd: _____ File: _____

NEW EXTERNAL BAR
 10FT X 8FT FORMED TO MATCH CONTAINER DETAIL
 DOORS, CLAD EXTERNALLY IN SW FRAMING AND TANNISED SHIP LAP BOARDING WITH TIMBER ARCHITRAVE AROUND DOOR OPENINGS, INTERNAL WALLS CLAD IN ALTRO WHITE ROCK COLOUR REF: WHITE. ALTRO SAFETY FLOORING WITH COVER SKIRTING TO BE INSTALLED THROUGHOUT ON SUITABLY PREPARED SUBSTRATE AS NECESSARY.

ELECTRICIAN RESPONSIBLE FOR RE-ROUTING EXISTING & PROVIDING NEW POWER SUPPLIES AS REQUIRED TO NEW BAR (SEE SEPARATE DETAILS) INCLUDING 1NO NEW REMOTE COOLER FOR DRAUGHT & 1NO NEW TILL POSITION

NEW SECTION OF SOLID CHECKERPLATE TO STOP HEELS CATCHING IN EXISTING DRAIN

RELOCATE EXISTING 42" PLASMA HERE

INSTALL NEW BRUSH STRIPS TO EXIT DOORS HERE

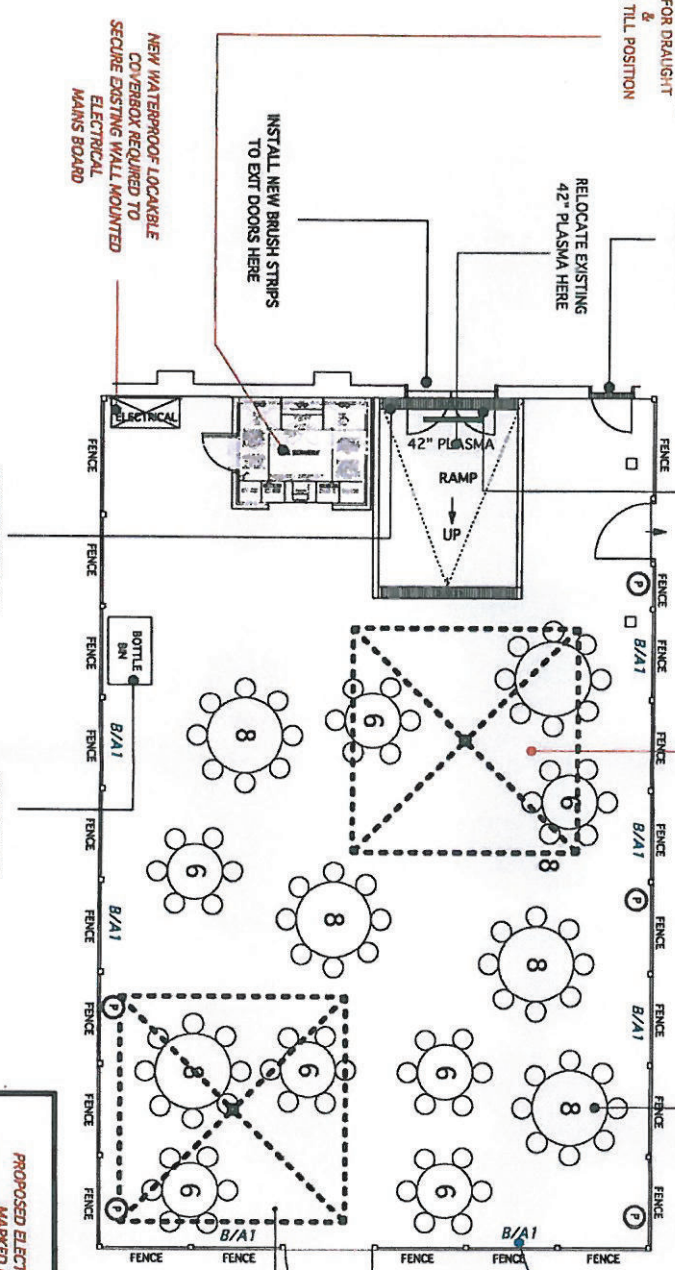
NEW WATERPROOF LOCKABLE COVERBOX REQUIRED TO SECURE EXISTING WALL MOUNTED ELECTRICAL MAINS BOARD

CLEAN OUT EXISTING GULLEY DRAIN HERE

1NO EXISTING JUMBELLA RETAINED WITH 2NO NEW HEATLAMP & 2NO NEW LIGHTS - ALL ON NEW PUSH BUTTON TIMER SWITCH WITH OVERRIDE SWITCH BEHIND BAR

NOTE ALL EXISTING FURNITURE/PLANTERS RETAINED & REDECORATED BY BRANCH AS REQUIRED - TO RELOCATE EXISTING TABLES TO ALLOW NEW EXTERNAL BAR POSITION

1NO EXISTING JUMBELLA RETAINED (NO WORKS)
 8NO. NEW EXTERNAL A1 GRADE SWAP FRAMES



NEW CHECKERPLATE RAMP BRIDGING EXISTING DRAIN CHANNEL

NEW EXTERNAL BOTTLE BIN HOUSING FORMED WITH SHIP LAPPED TIMBER & HINGED LOCKABLE DOOR TO 1NO END

PROPOSED ELECTRICAL WORKS
 MARKED IN RED
 (NEW WORKS IN ITALICS/ORIGINAL IN PLAIN)
PROPOSED A1 WORKS
 MARKED IN GREEN
PROPOSED "NEW" BUILDERS WORK
 MARKED IN BLACK ITALICS
PROPOSED "ORIGINAL" BUILDERS WORK
 MARKED IN BLACK PLAIN

PROPOSED BEER GARDEN LAYOUT 1:100

REV B: SCHEME ALTERED AT PRE SITE
 JAN 21/12/12
 REV A: 10FT X 8FT EXTERNAL BAR SHOWN
 JAN 17/12/12

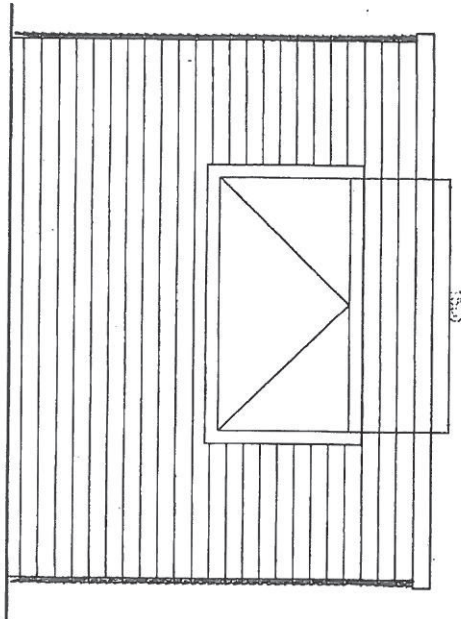
STONEGATE
 YATES'S
 HEREFORD

PROPOSED BEER GARDEN PLAN
 20/7/12
 1:100
 JAN

Jagosa Design Ltd
 274 The Edge,
 Cowes Street,
 Sibert,
 M3 5NG
 Tel: 0784324879
 E: jahn@jagosadesign.com

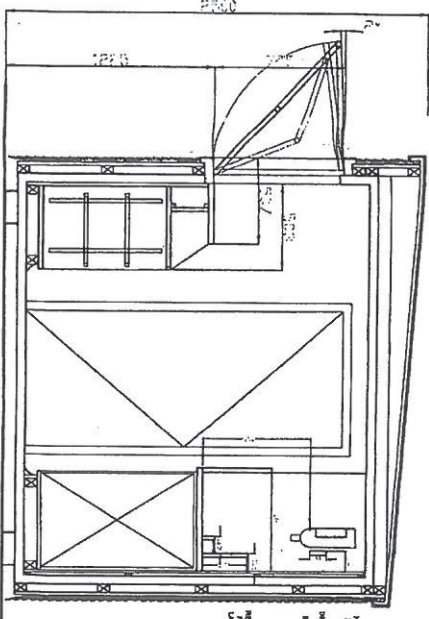
120779

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL
14 MAR 2012
To:
Ackd. File



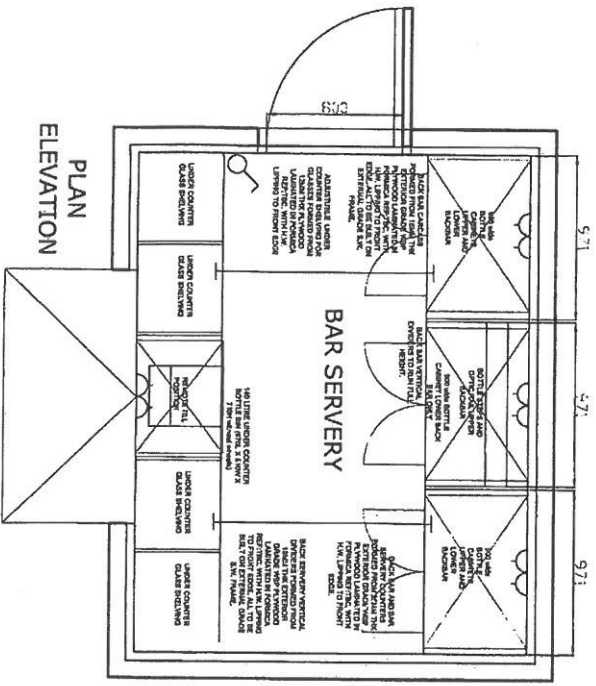
FRONT ELEVATION

FORMED FROM NEW EXTERNAL BAR 10FT X 8FT (3050X2400mm) EXTERNAL CONTAINER, ADAPTED WITH WITH STEEL SECURITY ACCESS DOORS. CLAD EXTERNALLY IN SW FRAMING AND TANNISED SHUPLAP BOARDING WITH TIMBER ARCHITRAVE AROUND DOOR OPENINGS. INTERNAL WALLS CLAD IN ALTRIO WHITEROCK COLOUR REF: WHITE. ALTRIO SAFETY FLOORING WITH COVER SKIRTING TO BE INSTALLED THROUGHOUT ON SUITABLY PREPARED SUBSTRATE AS NECESSARY.



SECTION

ALL WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS. REGULATIONS TO TAKE PRECEDENCE OVER ANY ANNOTATIONS, WHERE DISCREPANCIES OCCUR DESIGNER MUST BE NOTIFIED.



PLAN ELEVATION

SERVICE HATCH TO OPEN OVERHEAD FOR SHELTER. CONTRACTOR TO INSTALL PROPRIETARY LOCKABLE HINGES.

ELECTRICAL LEGEND:

- ALLOW FOR EXTENDING POWER SUPPLY FROM MAINS AS NECESSARY TO ACCOMMODATE PROPOSED WORKS INCLUDING NEW LIGHTING, SOCKETS, CELLAR SERVICES, REMOTE TILL POWER.
- IP68 EXTERNAL RATED TWIN SWITCHED SOCKET OUTLET 13AMP.
- IP65 RATED 4FT EXTERNAL FLOURESCENT TUBE LIGHT
- WALL MOUNTED LIGHT SWITCH

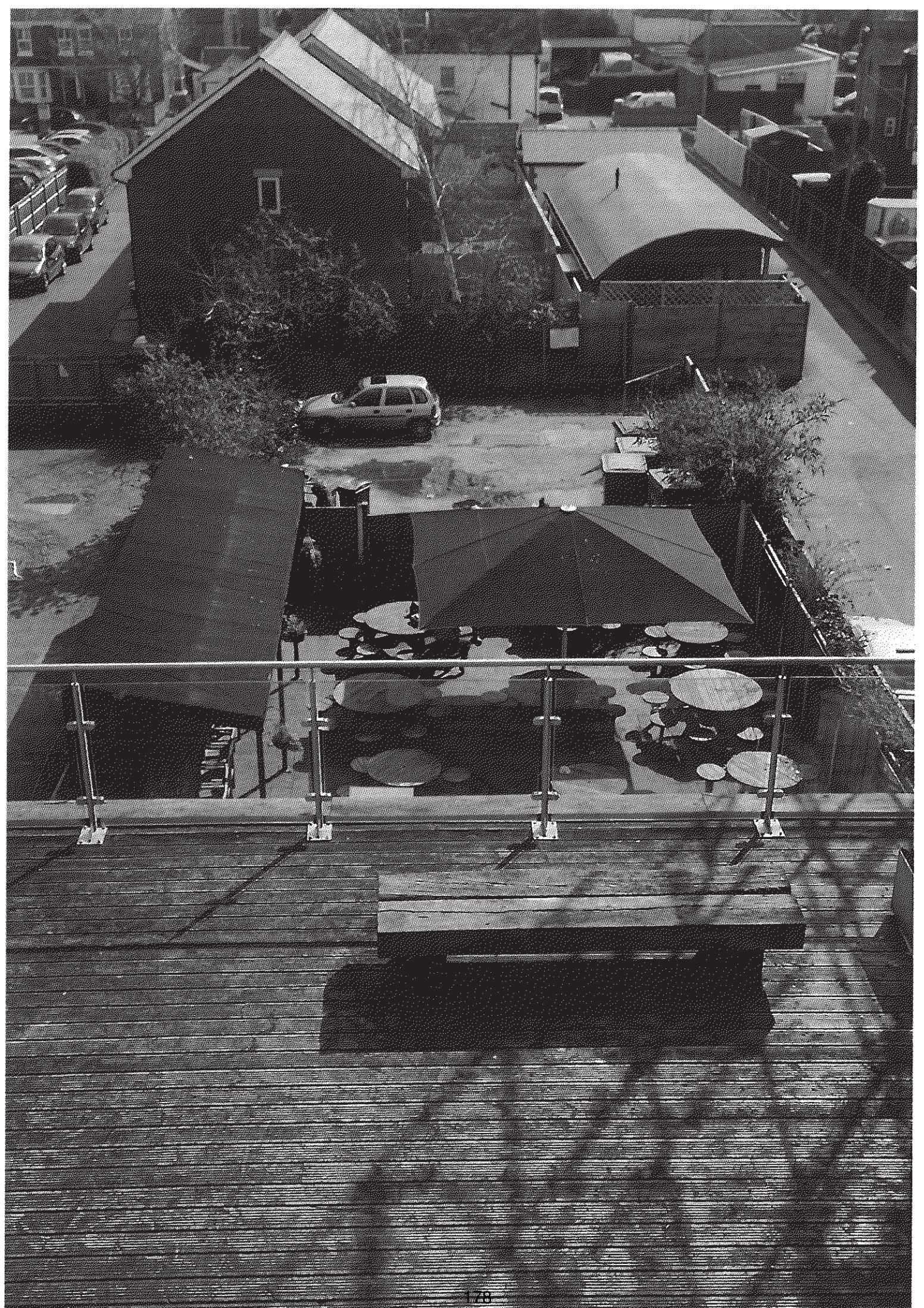
DO NOT SCALE FROM THIS DRAWING

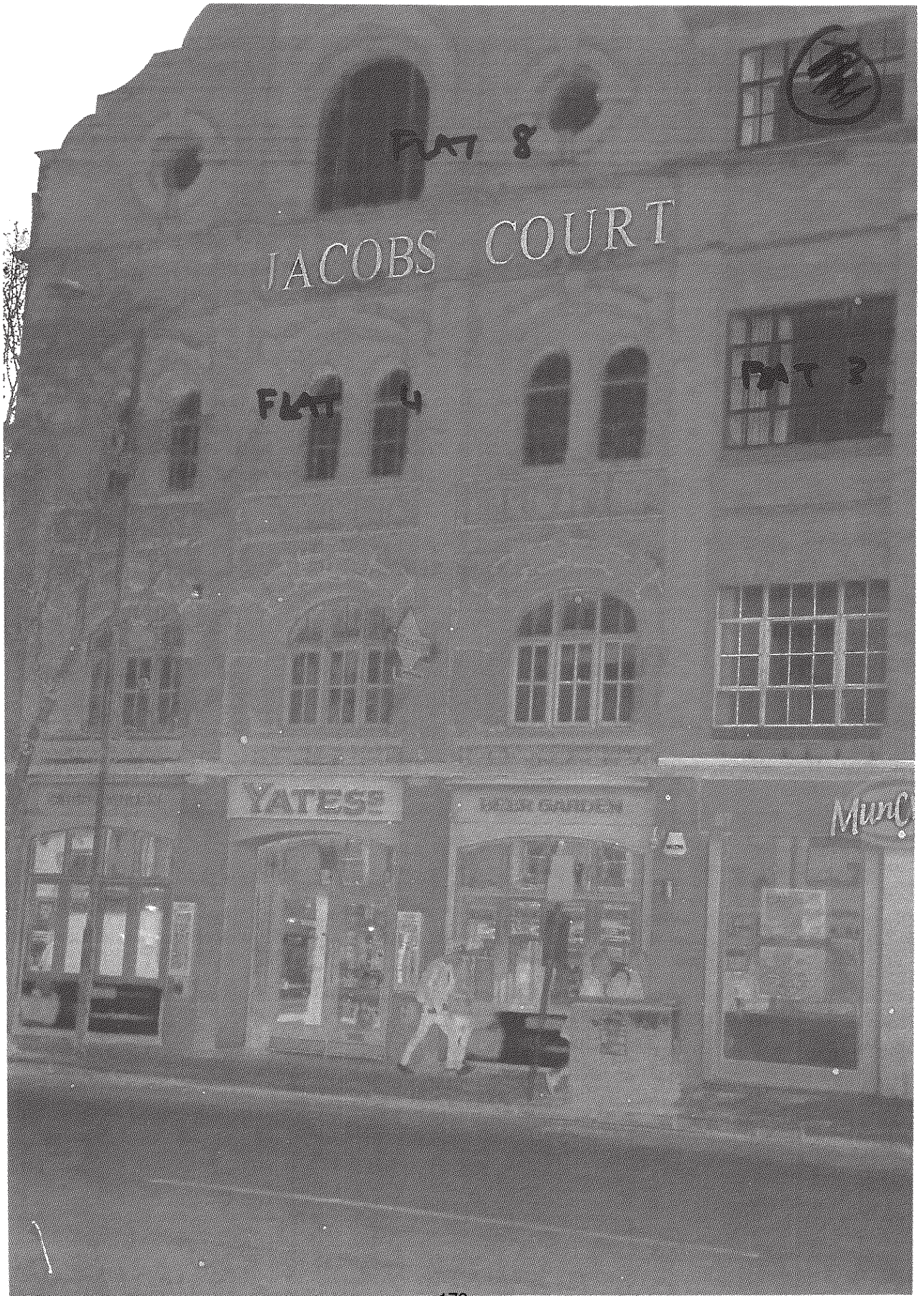
Client	STONEGATE
Project	VATES'S HEREFORD
Drawn	HTS
Checked	JML
Date	9/2/12
Project No	JS/053/99
Project Name	PROPOSED EXTERNAL BAR
Design	Japcon Design Ltd 274 The Edgja, Clowes Street Salford M3 5NS
Phone	02564324879
Email	info@japcondesign.com

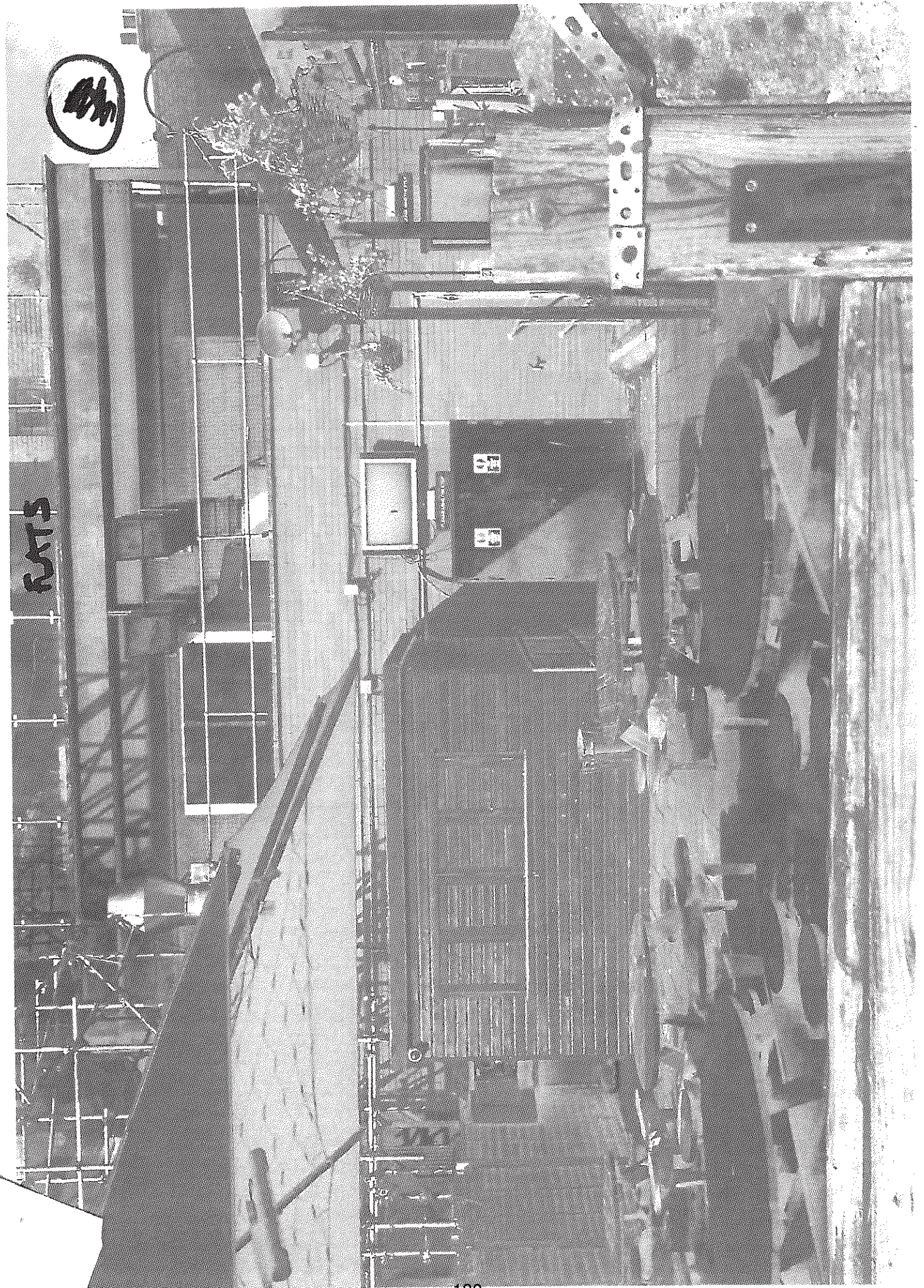
Tab 5













FLAT 6

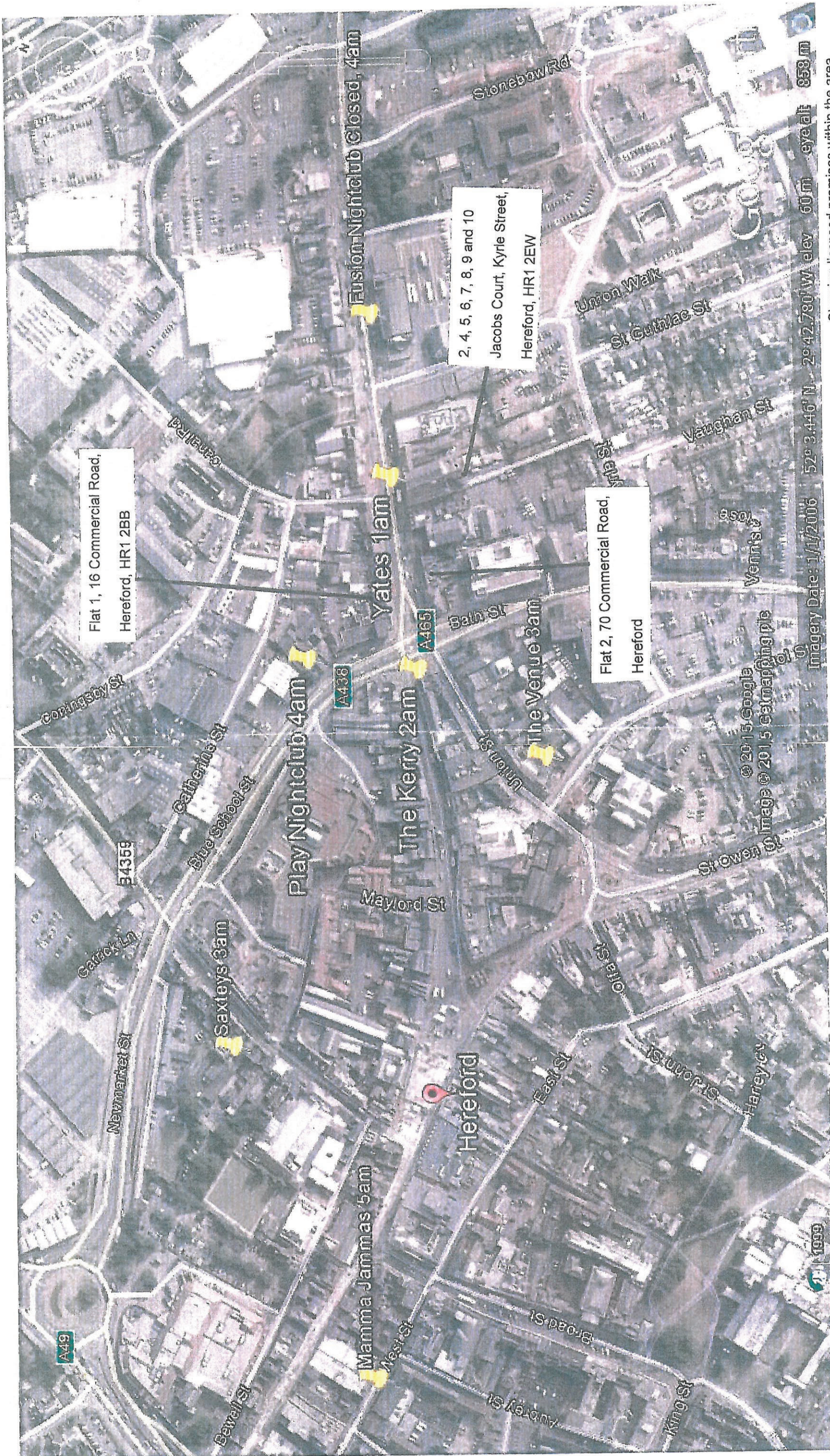
FLAT 1

BEE GARDEN

Tab 6

Location Plan

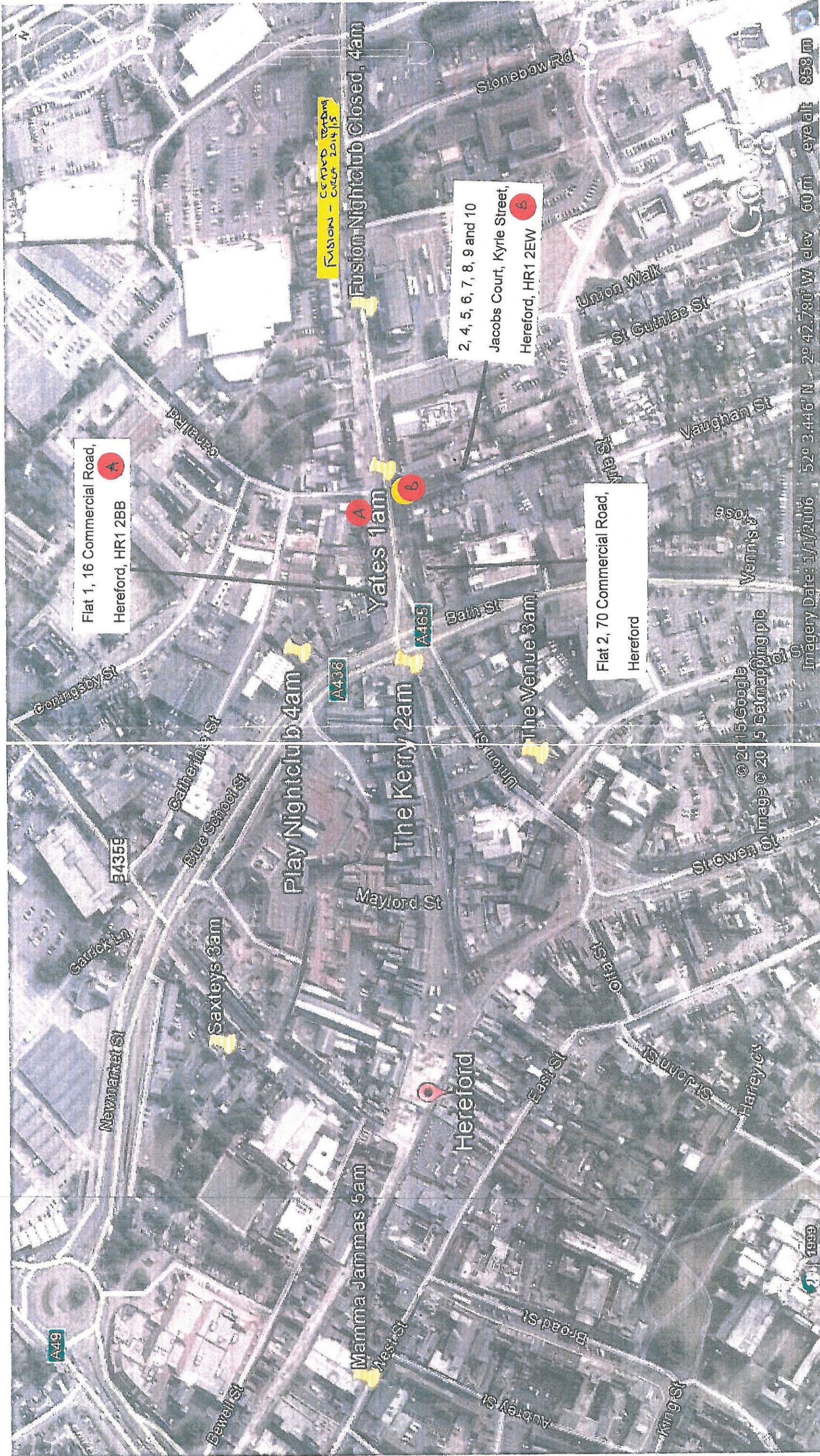
Yates's, 58 Commercial Road, Hereford



Showing licensed premises within the area opening beyond the 1am trading hours of Yates's and residents addresses who have submitted representations

ACTUAL Location Plan

Yates's, 58 Commercial Road, Hereford



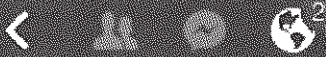
Showing licensed premises within the area opening beyond the 1am trading hours of Yates's and residents addresses who have submitted representations

- - YATES BUILDING LOCATION (NOT AS PINNED BY YATES) (FUSION)
- - RESIDENTS / OWNERS PREMISES LOCATIONS, NOT AS PREVIOUSLY MARKED BY ORIGINAL PLAN

ACTUAL BUILDING LOCATION (NOT AS PINNED BY YATES)

RESIDENTS / OWNERS PREMISES LOCATIONS, NOT AS PREVIOUSLY MARKED BY ORIGINAL PLAN

Tab 7



Timeline Photos



Yates Hereford

Still a massive queue at 12. #TheOnlyWayIsYates #ukpubs

Timeline Photos · 12 August 2012 · 🌐

[View Full Size](#) · [Send as message](#) · [Report Photo](#)



Like



Comment

14 people like this.



Lynda Watkins

What time you open til?? X

[Like](#) · [More](#) · 12 August 2012



ClubCam

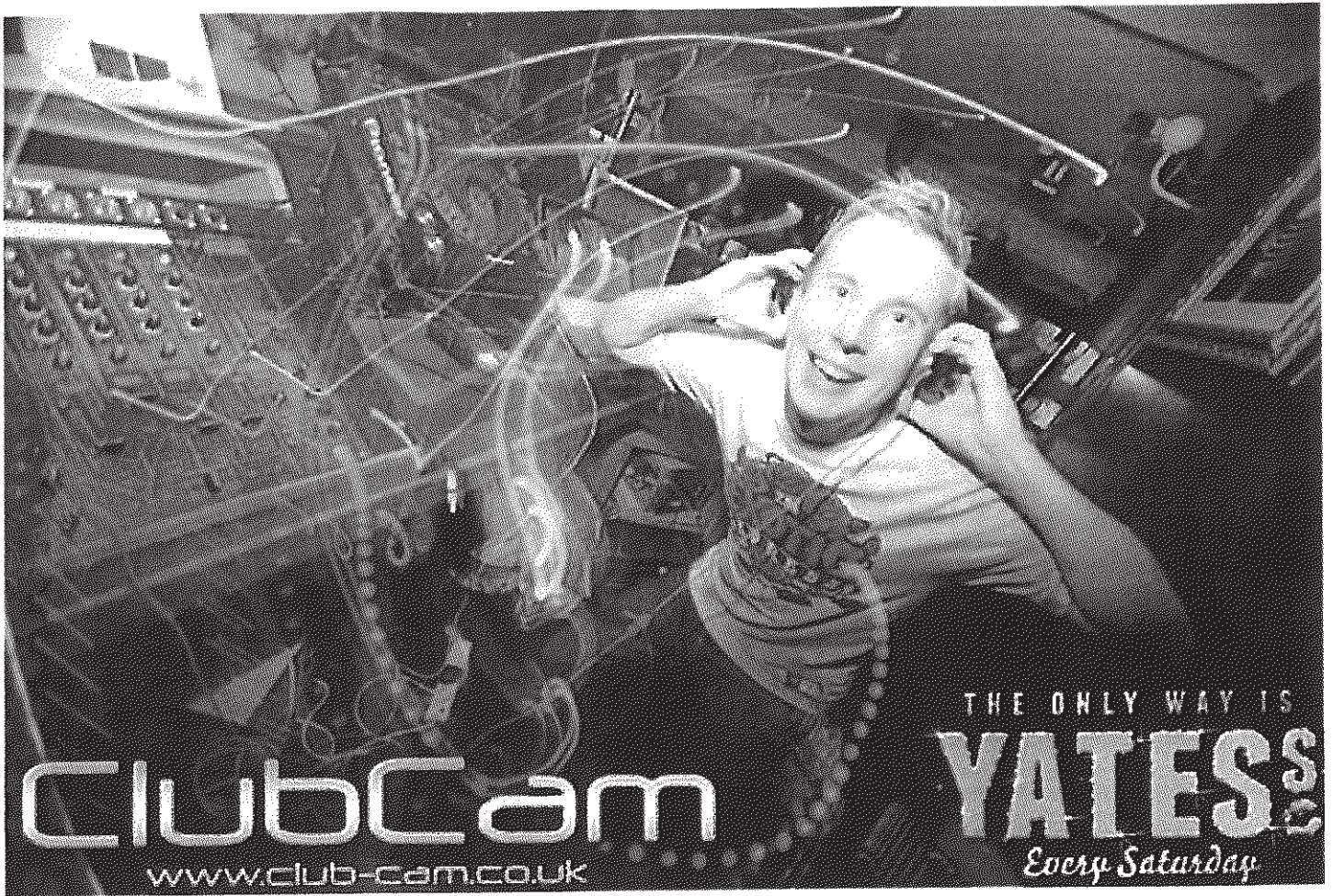
www.club-cam.co.uk

THE ONLY WAY IS

YATES'S

Every Saturday





ClubCam
www.club-cam.co.uk

THE ONLY WAY IS
YATES
Every Saturday

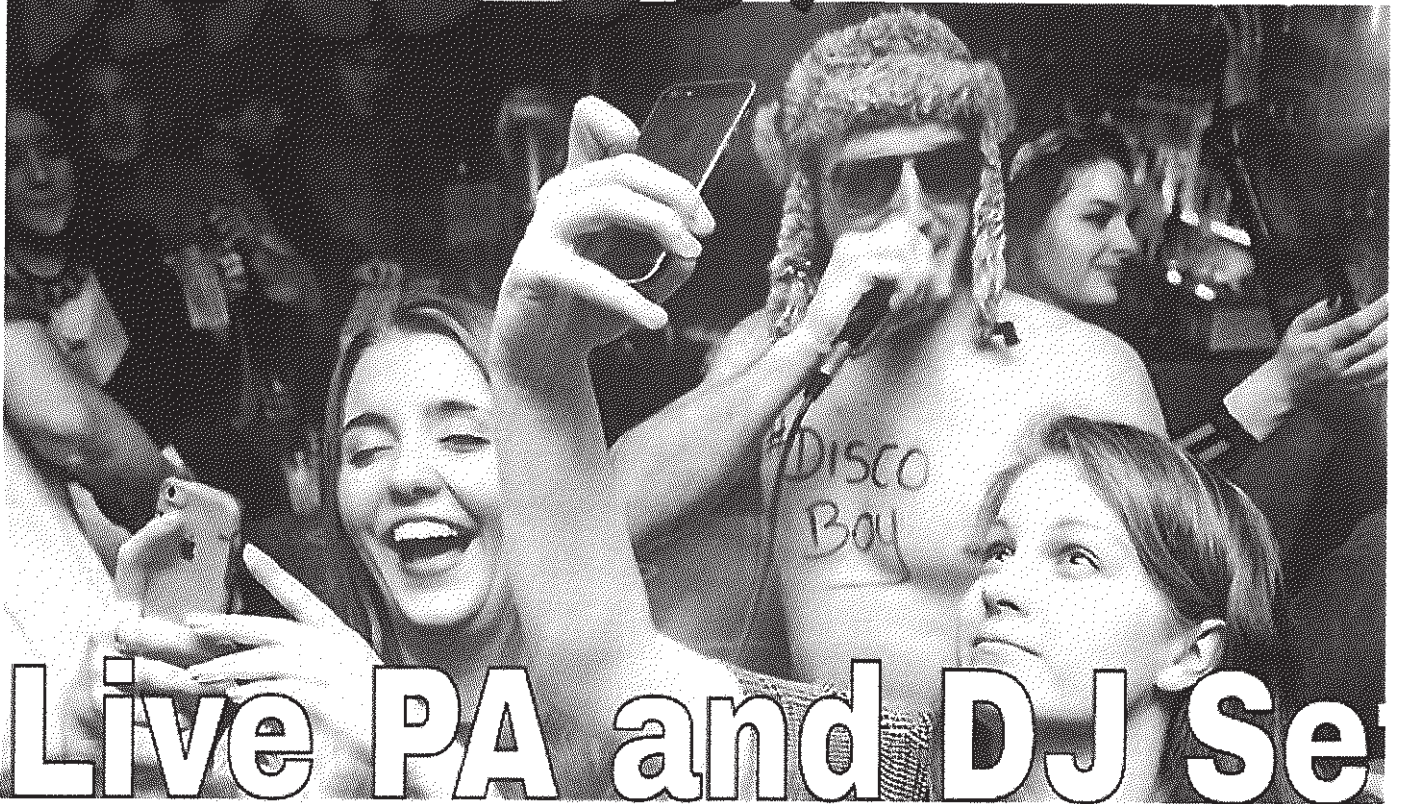


Ali Rogers
Sent from my iPad



DISCO BOY

FRIDAY
13TH MARCH



Live PA and DJ Set

exclusively @

YATES **HEREFORD**

Create Page

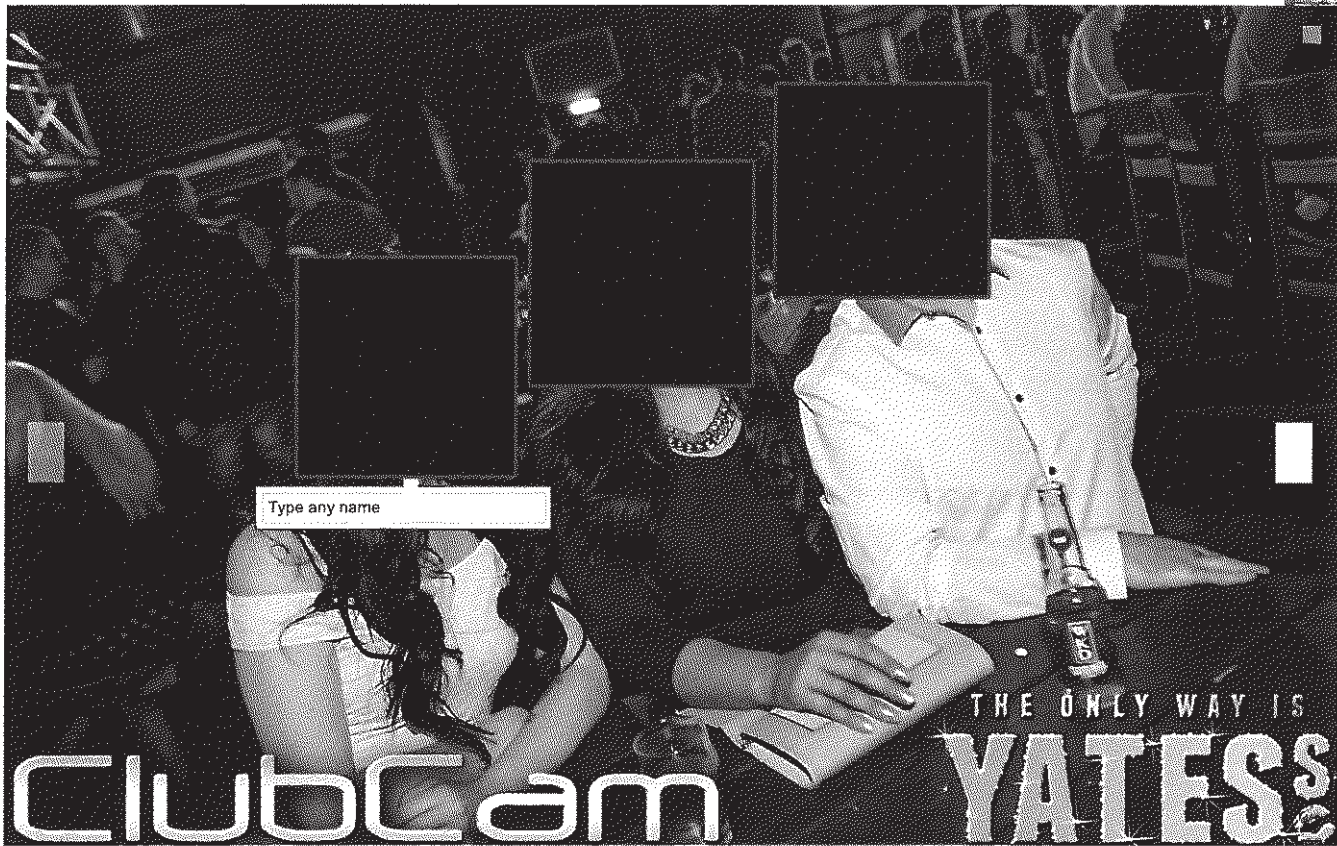
Sponsored



Colonize space and BEYO...
Star Trek:

Alien Domain
Play STAR TREK: Alien
Domain and journey beyond
the STAR TREK you know!

Play Now 100,000
people play this



YATES
Yates Here
October 13

Like · Comment · Share

Write a comm

People To Follow



Mark Zuckerberg
Founder and CEO at
39,813,690 followers

Follow

Yates Hereford's Photos
in 10.16.15 · ClubCam @ Yates Hereford

Tag Photo · Quotes · Status · Send · Like

Sponsored



Colonize space and BEYOND... Star Trek:

Alien Domain
Play STAR TREK: Alien Domain and journey beyond the STAR TREK you know!

Play Now · 100,000 people play this



Yates Here
October 13

Like · Comment · Share

Write a comment

People To Follow



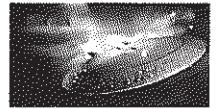
Mark Zuckerberg
Founder and CEO at
39,813,701 followers

Follow

Yates Hereford's Photos
in 10.10.15 | ClubCam @ Yates Hereford

Tag Photo · Options · Share · Download · Like

Sponsored



Colonize space and BEYOND... Star Trek: Alien Domain

Play STAR TREK: Alien Domain and journey beyond the STAR TREK you know!

Play Now · 100,000 people play this



Yates Here July 14 ·

Like · Comment · Share

Write a comment

Write a comment

People To Follow



Mark Zuckerberg Founder and CEO at 39,813,633 followers

Follow



Yates Hereford's Photos in 4.7.13 | ClubCam @ Yates Hereford

Tag Photo Options Share Save ...



Yates Hereford's photos



Yates Hereford Garden is still busy tonight.

Yates Hereford's photos in Mobile Uploads · 2 August ·

[View Full Size](#) · [Send as message](#) · [Report Photo](#)

Like

Comment

5 people like this.



Write a comment...

E 110 -50%

↑ JAGER BOMB

JOHN SMITH SMITH	2.30
CARLING	2.00
STRONGBOW	2.60
BUDWEISER BOT	2.10
CARLSBERG BOT	1.30
WKD BLUE	1.60
ROMANA SAMBUCA	4.10
SOURZ APPLE	1.10
JAGER BOMB	1.40
VOD BOMB	1.80

K. THE BEST DRINK DEAL

drinkexchange.co

#VODKA

EVERY FRIDAY 9PM TO 2AM

£1.50

SMIRNOFF & MIXER • SMIRNOFF & RED BULL
HAND-CRAFTED VODKA SHOTS • HEINEKEN BOTTLES

FREE ENTRY
ALL NIGHT

YATES

TO BOOK A VIP BOOTH OR TABLE VISIT
WWW.WEAREYATES.CO.UK/HEREFORD

Tab 8

FACEBOOK POST

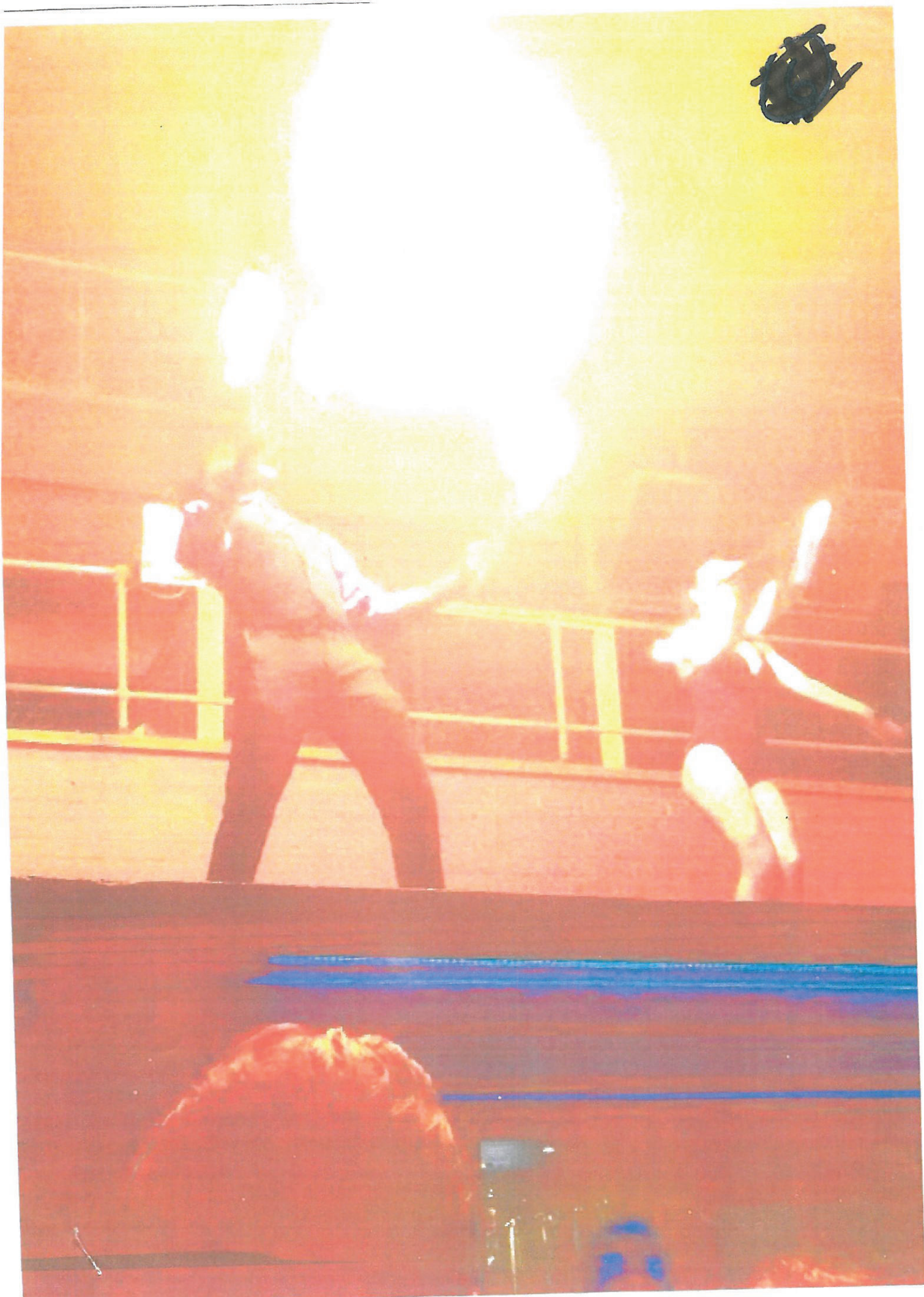
14/7/2013

STATED 1.00AM GARDON STILL
PARKED WHAT A TOP NIGHT

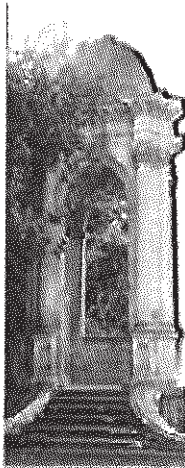


Meeting attendance -





Tab 9



Sanctuary Acoustics

Acoustic Consultancy

NOISE ASSESSMENT FOR

**A NOISE ASSESSMENT CONDUCTED IN
RESPONSE TO THE PROPOSED LICENSING
EXTENSION OF THE ADJOINING
YATES'S PUBLIC HOUSE
AND THE
ASSOCIATED NOISE NUISANCE
AT
JACOBS COURT,
KYRLE STREET,
HEREFORD.**

DOCUMENT 001

BY

**ANTHONY FROST MSC IENG MIOA
MARCH 2015**

Sanctuary Acoustics

t: 07851 389789 e: info@sanctuaryacoustics.com w: sanctuaryacoustics.com

Sanctuary Acoustics

EXECUTIVE SUMMARY

Sanctuary Acoustics was asked by [REDACTED] to assess the existing noise environment at Jacobs Court, Kyrle Street, Hereford. The dwellings located at Jacobs Court are within a built up area in central Hereford and adjoin a Yates's public house with beer garden and smoking area at the rear to which Jacobs Court overlooks. The public house currently operates until 1am but seeks an extension to 2am. However, residents have raised concerns in respect to noise breakout from the public house into amongst other places the dwellings at Jacobs Court. It is our understanding that when the dwellings were originally built and occupied the public houses' license was until midnight but has since crept forward to 1am. The 24-hour period is divided into a 16-hour daytime and an 8-hour night-time. Daytime is 7am to 11pm and subsequently night-time is 11pm to 7am. Noise measurements were conducted in apartment 6 between 12am and 2am to assess both the last hour of the current trading license between 12am and 1am and noise levels during the proposed 1-hour extension between 1am and 2am. It is also proposed that trading be permitted until 3am up to 15 nights a year. Two sets of noise measurements were undertaken, one in the kitchen/diner/lounge/bedroom overlooking the beer garden and a second measurement in a side bedroom that overlooks the main public house building. The noise measurements obtained in the kitchen/diner/lounge/bedroom which are in line of sight of the beer garden were undertaken with and without the balcony doors open and the bedroom measurements were undertaken with the windows closed. It was noted that there did not appear to be any ventilators in the apartments either in the glazed units or through wall vents and therefore to enable an exchange of airflow the balcony doors and windows would need to be opened.

To summarise:

1. Noise measurements were undertaken at Apartment 6, Jacobs Court, Kyrle Street, Hereford.
2. Noise measurements were taken at two locations between 12am to 1am to assess noise levels during the current final hour of trading at the adjoining Yates's Public House and between 1am to 2am to assess noise levels in the vicinity during what would be an extension period to the existing trading license. The noise survey commenced on Saturday 21st March and concluded on Sunday 22nd March 2015.
3. The noise assessment was conducted using two sound level meters, a Norsonics 132 sound level meter set up in a bedroom (location 1) on the side aspect and overlooking the public house taking noise measurements at 5-minute intervals with all windows and doors closed. The second measurement, location 2, was undertaken using a Norsonics 131 sound level meter in the kitchen/diner/lounge/bedroom which overlooks the beer garden. These measurements were taken at alternate 15-minute and 5-minute measurements with and without the balcony doors ajar.
4. The noise measurements were referenced to the *National Planning Policy Framework (NPPF)*. Further reference was also made to *BS 8233:2014 Guidance on sound insulation and noise reduction for buildings*, *BS 7445-1:2003 Description and Measurement of Environmental Noise – Part 1: Guide to Quantities and Procedures*, *Noise Policy Statement for England (NPSE)* and the *World Health Organisation (WHO) Night Noise Guidelines for Europe*.
5. BS 8233:2014 recommends a 30dB L_{Aeq} in Bedrooms for Sleeping and 35dB L_{Aeq} in Living Rooms for Resting and 40dB L_{Aeq} within Dining Rooms.

Sanctuary Acoustics

6. The results obtained in the bedroom show that prior to 1am which is during trading the recommended internal noise level of 30dB L_{Aeq} which is to enable undisturbed sleep is exceeded. Post 1am when trading has ceased the noise level within the bedroom decreases below 30dB L_{Aeq} . The noise level in the kitchen/diner/lounge/bedroom which overlooks the beer garden is closer to 40dB during trading and increases when the balcony door is left ajar. After trading during cleanup and when staff have finished their shifts but remain in the beer garden the noise level still remains above 35dB in the kitchen/diner/lounge/bedroom with the balcony doors ajar.
7. Based upon the noise results obtained and with reference to applicable guidance it is recommended that the extension beyond 1am should not be granted and furthermore once the cleanup of the beer garden has been completed, staff are not permitted to congregate in the beer garden as they unnecessarily contribute to the noise climate. The only exceptions made to this should be in the event of an emergency such as a fire or to exit the premises once their shift has finished and they need to access vehicles parked to the rear.

Sanctuary Acoustics

1. INTRODUCTION

Sanctuary Acoustics was asked by [REDACTED] to assess the existing noise environment at Jacobs Court, Kyrle Street, Hereford. The dwellings located at Jacobs Court are within a built up area in central Hereford and adjoin a Yates's public house with beer garden and smoking area at the rear to which Jacobs Court overlooks. The public house currently operates until 1am but seeks an extension to 2am. However, residents have raised concerns in respect to noise breakout from the public house into amongst other places the dwellings at Jacobs Court. It is our understanding that when the dwellings were originally built and occupied the public houses' license was until midnight but has since crept forward to 1am. The 24-hour period is divided into a 16-hour daytime and an 8-hour night-time. Daytime is 7am to 11pm and subsequently night-time is 11pm to 7am. Noise measurements were conducted in apartment 6 between 12am and 2am to assess both the last hour of the current trading license between 12am and 1am and noise levels during the proposed 1-hour extension between 1am and 2am. It is also proposed that trading be permitted until 3am up to 15 nights a year. Two sets of noise measurements were undertaken, one in the kitchen/diner/lounge/bedroom overlooking the beer garden and a second measurement in a side bedroom that overlooks the main public house building. The noise measurements obtained in the kitchen/diner/lounge/bedroom which are in line of sight of the beer garden were undertaken with and without the balcony doors open and the bedroom measurements were undertaken with the windows closed. It was noted that there did not appear to be any ventilators in the apartments either in the glazed units or through wall vents and therefore to enable an exchange of airflow the balcony doors and windows would need to be opened.

The site is located in a busy location in central Hereford with noted noise sources impinging onto Jacobs Court from customers in the public houses' beer garden, the low frequency component of dance music from the public house by transmission through the structure and by airborne means. Some road traffic noise was also audible, particularly from motorbikes.

Figure 1 depicts the measurement location in the kitchen/diner/lounge/bedroom of apartment 6 which overlooks the beer garden. This space is double height with a bedroom space at mezzanine level. Measurements were taken with and without the balcony doors ajar.

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Figure 1: This depicts the measurement location in the kitchen/diner/lounge/bedroom of the development at Jacobs Court, Kyrle Street.

Figure 2 depicts glazed units in the dwelling.

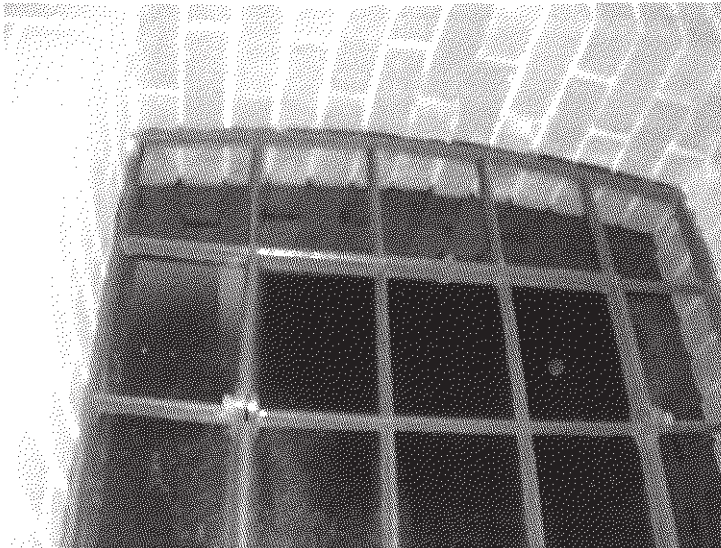


Figure 2: Glazed units.

Figure 3 depicts the balcony doors when left ajar.

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Figure 3: The balcony doors when opened for the ajar measurements to simulate the need for airflow.

Figure 4 depicts the measurement location in a side aspect bedroom of apartment 6. Measurements were taken with the window closed for the whole measurement.

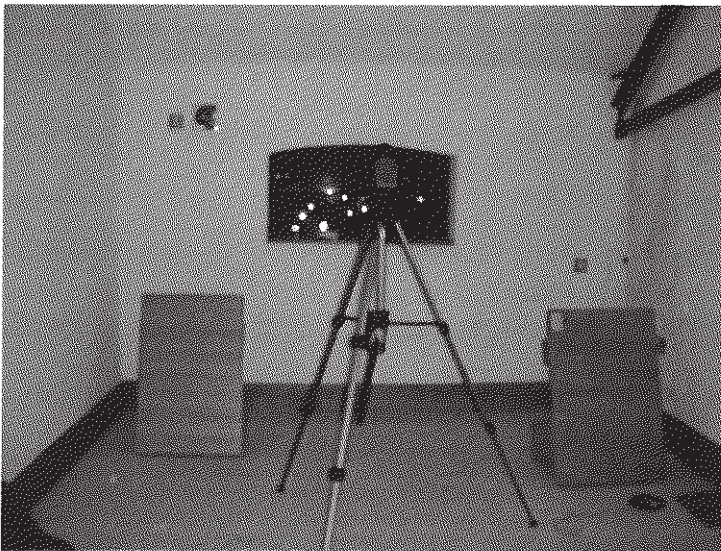


Figure 4: The bedroom measurement with the windows closed.

Noise is covered, although briefly, in the new National Planning Policy Framework (NPPF) which states that the planning system should contribute to and enhance the natural and local environment.

Planning policies and decisions should;

- aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

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- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The Department for the Environment, Food and Rural Affairs have issued an explanatory note to the *Noise Policy Statement for England (NPSE)* which states that the long term vision of Government noise policy is to “*promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.*”

The NPPF guidance however gives no objective, tangible standards or criteria to inform planning decisions in respect to noise. The framework does quote existing guidance to make reference to including *WHO* guidelines and *BS 8233: 1999 Sound insulation and noise reduction for buildings – Code of practice*. *BS 8233* has since been revised, the fifth imprint; *BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings* was issued last year. The previous planning guidance used in relation to noise for residential planning was *Planning Policy Guidance 24 (PPG24)*, which was repealed in March 2012.

The noise measurement locations were chosen to assess noise impinging onto the development from external noise sources including the adjoining public house.

The measurement intervals in the kitchen/diner/lounge/bedroom were initially of 15-minutes duration. Two uninterrupted measurements were conducted between 12am and 1am in the unoccupied kitchen/diner/lounge/bedroom with the balcony doors closed. Two further 5-minute measurements were conducted with the balcony doors ajar prior to 1am with a final two 15-minute measurements in the kitchen/diner/lounge/bedroom between 1am and 2am, which is during the proposed 1-hour trading extension. Although trading had ceased staff from the public house were cleaning in this area and later congregated at a table when finished. The noise measurements conducted in the unoccupied side aspect bedroom were of 5-minutes duration with the window closed. A total of 24 uninterrupted measurements were conducted. The measurements commenced late on Saturday 21st March 2015 and finishing at 2am on Sunday 22nd March 2015.

In order to assess the existing noise environment, the following were considered:

- Public house customer noise impinging onto the site from the beer garden was assessed onto all facing elevations.
- Music from the public house.
- Noise from nearby road traffic and other nearby commercial activity.
- The glazing, façade construction, ventilation methods and room layout most susceptible to noise ingress.

The noise measurements in the kitchen/diner/lounge/bedroom were undertaken using a Norsonics 131 Sound Level Meter (Serial Number 1313597) which was calibrated before and after the noise measurements were taken using a CEL 284/2

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Acoustic Calibrator (Serial Number 4-02123778). This equipment has traceable calibration certificates with these two items of Norsonics and CEL equipment designated as being Type 1 instruments inline with IEC 61672 & 61260 and IEC 60942 respectively.

The noise measurements in the bedroom were undertaken using a Norsonics 132 Sound Level Meter (Serial Number 1322854) which was calibrated before and after the noise measurements were taken using a Cirrus CR:514 Acoustic Calibrator (Serial Number 60242). This equipment has traceable calibration certificates with these two items of Norsonics and Cirrus equipment designated as being Type 2 instruments inline with IEC 61672, 60651 & 60804 and IEC 60942 respectively.

The Sound Level Meters were mounted on tri-pods 1.5m above floor level. The Nor 131 sound level meter was calibrated to 114dB at 1kHz before and after the noise survey and the Nor 132 was calibrated to 94dB at 1kHz. The results of the noise measurements and their acoustic parameters are detailed in section 2, Measurements and Observations. The full 1/1 octave band data for the measurements are detailed at the end of this report in Annex A.

2. MEASUREMENTS AND OBSERVATIONS

The purpose of the noise assessment is to measure and assess existing noise levels in the vicinity with the primary noise source being identified with the use of the Yates's beer garden and smoking area and the noise created by customers at the Yates's public house. As stated previously the trading license has already been extended from 12pm to 1am which further encroaches into the official night-time period with a proposal for a further extension to 2am and a potential extra limited trading till 3am up till 15 nights a year. This assessment seeks to quantify and analyse current noise levels and their frequency component were applicable that impinges onto the dwellings located at Jacobs Court. Therefore to monitor noise impinging onto the site a sound level meter (Norsonics 132) was set in logging mode to measure noise at 5-minute intervals in a bedroom with a side aspect to the public house during the current final hour of trading and during the proposed hour extension. A second sound level meter (Norsonics 131) was set up in the kitchen/diner/lounge/bedroom to monitor at 15-minute and 5-minute intervals over the same time period but with and without the balcony doors ajar to simulate airflow as required. With no visible ventilators in the apartment façade the opening of windows and the balcony doors was seen as the only method of allowing a change of airflow in the room.

It was noted between 12am and 1am customers in the beer garden were audible with various maximum noise events arising from shrieks and raised voices. The only other noise source noted were some road vehicles, particularly motorbikes. With the balcony doors left ajar the internal noise levels did increase. Between 1am and 2am after trading had ceased although the continuous noise diminished the cleanup process in the beer garden itself created some noise and it was further noted that after staff had finished cleaning up they congregated around a large table in the beer garden before leaving the premises. The equivalent continuous noise level (L_{Aeq}) appeared to be determined by noise activity created by customers as was many of the maximum individual noise events (L_{Amax}) with the exception of some road vehicles. Post trading noise was still audible from staff clearing up such as the banging of bottles and bottle bins. Staff who were seated at the table in the beer garden after the public house had closed were also audible.

A glossary of the acoustic parameters/terms used can be found in Annex A.

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BS 7445-1:2003 Description and measurement of environmental noise – Part 1: Guide to quantities and procedures states in section 5.2.4 Measurements inside buildings;

“These measurements shall be carried out in enclosures where the noise is of interest. If not otherwise specified, the preferred measurement positions are at least 1m from the walls or other major reflecting surfaces, 1.2m to 1.5m above the floor and approximately 1.5m from windows”.

The noise results obtained in the kitchen/diner/lounge/bedroom taken between 12:05 to 12:20 are detailed in table 1.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	00:05 – 00:20 15-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows and doors closed to the kitchen/diner/lounge/bedroom. Pub customers in the beer garden. Customers from Yates’s audible; raised voices, laughter etc., low frequency component of dance music by direct airborne transmission and through the building structure. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	38.9dB(A)
L _{A10}	40.7dB(A)
L _{Amin}	34.1dB(A)
L _{Amax}	46.8dB(A)
L _{A90}	36.8dB(A)

Table 1: The results taken for the external measurement location 1 between 00:05 to 00:20

Table 2 details the 1/1 octave band measurements for the measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	00:05 – 00:20 15-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows and doors closed to the kitchen/diner/lounge/bedroom. Pub customers in the beer garden. Customers from Yates's audible; raised voices, laughter etc., low frequency component of dance music by direct airborne transmission and through the building structure. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	58.1	48.4	38.2	35.5	32.9	27.6	22.0	13.3
L _{max} (Maximum Level)	69.6	58.6	45.7	45.4	45.3	42.4	35.3	26.1
L ₉₀ (Background Level)	52.1	44.6	36.8	32.7	28.1	23.1	17.2	12.9

Table 2: The 1/1 Octave Band Data taken between 00:05 to 00:20

The noise results obtained for measurement 2 at location 1 are detailed in table 3.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	00:20 – 00:35 15-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows and doors closed to the kitchen/diner/lounge/bedroom. Pub customers in the beer garden. Customers from Yates's audible; raised voices, laughter etc., low frequency component of dance music by direct airborne transmission and through the building structure. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	39.3dB(A)
L _{A10}	40.8dB(A)
L _{Amin}	33.2dB(A)
L _{Amax}	50.2dB(A)
L _{A90}	36.2dB(A)

Table 3: The results taken for Measurement 2 at Location 1 for 00:20 to 00:35

Table 4 details the 1/1 octave band measurements for this measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	00:20 – 00:35 15-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows and doors closed to the kitchen/diner/lounge/bedroom. Pub customers in the beer garden. Customers from Yates's audible; raised voices, laughter etc., low frequency component of dance music by direct airborne transmission and through the building structure. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	57.7	48.6	38.9	36.5	33.1	28.2	24.2	14.1
L _{max} (Maximum Level)	67.3	58.4	48.6	49.7	49.1	44.3	42.9	30.4
L ₉₀ (Background Level)	49.3	44.5	37.0	32.5	27.5	22.6	16.9	12.9

Table 4: The 1/1 Octave Band Data taken at Measurement Location 1 for 00:20 to 00:35

The noise results obtained for the third measurement at location 1 are detailed in table 5.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	00:50 – 00:55 5-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers in the beer garden. Customers, although at this time there numbers are reduced were still audible; raised voices, laughter etc. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	40.8dB(A)
L _{A10}	42.2dB(A)
L _{Amin}	35.8dB(A)
L _{Amax}	59.7dB(A)
L _{A90}	37.7dB(A)

Table 5: The results taken at the measurement location 1 during 00:50 to 00:55

Table 6 details the 1/1 octave band measurements for this measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	00:50 – 00:55 5-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers in the beer garden. Customers, although at this time there numbers are reduced were still audible; raised voices, laughter etc. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	54.3	54.7	41.7	35.0	31.7	27.6	24.2	17.4
L _{max} (Maximum Level)	62.2	67.8	48.8	54.4	51.8	54.4	53.1	45.3
L ₉₀ (Background Level)	51.8	49.1	40.3	32.4	26.9	21.5	14.8	13.1

Table 6: The 1/1 Octave Band Data taken at Measurement Location 1 for 00:50 to 00:55

The noise results obtained for the fourth measurement taken at location 1, the last during existing trading hours are detailed in table 7.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	00:55 – 01:00 5-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers in the beer garden. Customers, although at this time there numbers are reduced were still audible; raised voices, laughter etc. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	40.1dB(A)
L _{A10}	41.9dB(A)
L _{Amin}	34.8dB(A)
L _{Amax}	53.9dB(A)
L _{A90}	37.2dB(A)

Table 7: The results taken at the location 1 measurement during 00:55 to 01:00

Table 8 details the 1/1 octave band measurements for this measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	00:55 – 01:00 5-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers in the beer garden. Customers, although at this time there numbers are reduced were still audible; raised voices, laughter etc. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	54.9	54.1	41.6	33.4	29.6	26.3	25.7	17.7
L _{max} (Maximum Level)	67.8	63.9	50.4	49.5	45.5	48.1	51.5	40.6
L ₉₀ (Background Level)	52.1	49.0	39.8	31.1	26.1	21.4	14.4	13.1

Table 8: The 1/1 Octave Band Data taken at the location 1 measurement location for 00:55 to 01:00

The noise results obtained for measurement 5 at the location 1, the first of two 15-minute measurements while staff clean up the beer garden are detailed in table 9.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	01:00 – 01:15 15-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers have left the beer garden. Staff are clearing up the beer garden with occasional voices and the banging of bottles and bottle bins. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	36.3dB(A)
L _{A10}	37.1dB(A)
L _{Amin}	33.5dB(A)
L _{Amax}	48.6dB(A)
L _{A90}	35.0dB(A)

Table 9: The results taken at Measurement Location 1 for 01:00 to 01:15

Table 10 details the 1/1 octave band measurements for the measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	01:00 – 01:15 15-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are left ajar. Pub customers have left the beer garden. Staff are clearing up the beer garden with occasional voices and the banging of bottles and bottle bins. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	52.8	48.2	40.0	31.1	26.1	22.3	17.2	13.3
L _{max} (Maximum Level)	63.2	58.3	50.3	45.4	42.3	41.1	35.5	23.3
L ₉₀ (Background Level)	50.5	46.5	38.5	29.1	23.4	17.9	13.2	12.9

Table 10: The 1/1 Octave Band Data taken at Measurement Location 1 for 01:00 to 01:15

The noise results obtained for measurement 6 at location 1 are detailed in table 11.

Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level
Time & Duration	01:15 – 01:30 15-Minute Measurement March 21 st
Weather & Site Conditions/Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers have left the beer garden. Staff are clearing up the beer garden with occasional voices and the banging of bottles and bottle bins. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.
Measurement Parameter	Measurement Reading
L _{Aeq}	36.0dB(A)
L _{A10}	36.9dB(A)
L _{Amin}	33.5dB(A)
L _{Amax}	45.4dB(A)
L _{A90}	35.0dB(A)

Table 11: The results taken for Measurement 6 at Location 1 for 01:15 to 01:30

Table 12 details the 1/1 octave band measurements for this measurement.

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Location	1. Apartment 6 – Kitchen/Diner/Lounge with Bedroom at Mezzanine Level							
Time & Duration	01:15 – 01:30 15-Minute Measurement March 21 st							
Site Conditions or Observations	Site Conditions – All windows closed but the balcony doors to the kitchen/diner/lounge/bedroom are ajar. Pub customers have left the beer garden. Staff are clearing up the beer garden with occasional voices and the banging of bottles and bottle bins. Rumble of road traffic noise from surrounding roads, particularly motorbikes and large vehicles.							
Measurement Parameter	Frequency (Hz) Octave Bands							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
L _{eq} (Ambient Level)	52.7	48.0	39.9	30.7	25.7	20.1	16.2	13.3
L _{max} (Maximum Level)	65.8	58.4	51.1	43.3	41.4	37.8	33.2	22.0
L ₉₀ (Background Level)	50.5	46.5	38.6	29.0	23.5	18.0	13.2	13.0

Table 12: The 1/1 Octave Band Data taken at Measurement Location 1 for 01:15 to 01:30

The noise results obtained from the Norsonics 132 sound level meter set up in the bedroom (location 2) to log at 5-minute intervals commenced at 11.55pm on Saturday 21st and finished at 2am on Sunday 22nd. The results are in table 13.

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Time Period 21-22/03/2015	Measurement Parameters				
	L _{Aeq}	L _{Amin}	L _{Amax}	L _{A10}	L _{A90}
23:55 to 00:00	32.0dB(A)	26.9dB(A)	48.7dB(A)	33.0dB(A)	29.4dB(A)
00:00 to 00:05	34.3dB(A)	26.5dB(A)	52.8dB(A)	34.7dB(A)	28.5dB(A)
00:05 to 00:10	29.9dB(A)	25.6dB(A)	41.6dB(A)	31.5dB(A)	27.6dB(A)
00:10 to 00:15	30.9dB(A)	26.5dB(A)	41.3dB(A)	32.3dB(A)	28.8dB(A)
00:15 to 00:20	30.7dB(A)	26.5dB(A)	39.3dB(A)	32.2dB(A)	29.0dB(A)
00:20 to 00:25	30.5dB(A)	26.1dB(A)	38.7dB(A)	31.8dB(A)	28.7dB(A)
00:25 to 00:30	30.6dB(A)	26.1dB(A)	38.1dB(A)	32.5dB(A)	28.2dB(A)
00:30 to 00:35	30.7dB(A)	26.1dB(A)	36.4dB(A)	32.5dB(A)	28.6dB(A)
00:35 to 00:40	34.3dB(A)	26.1dB(A)	46.3dB(A)	36.9dB(A)	28.8dB(A)
00:40 to 00:45	31.5dB(A)	26.8dB(A)	45.1dB(A)	33.3dB(A)	28.7dB(A)
00:45 to 00:50	31.6dB(A)	25.7dB(A)	49.0dB(A)	32.9dB(A)	27.8dB(A)
00:50 to 00:55	31.8dB(A)	25.3dB(A)	43.8dB(A)	33.9dB(A)	27.8dB(A)
00:55 to 01:00	31.5dB(A)	24.9dB(A)	48.5dB(A)	33.0dB(A)	27.8dB(A)
01:00 to 01:05	30.6dB(A)	24.1dB(A)	53.1dB(A)	30.3dB(A)	25.5dB(A)
01:05 to 01:10	27.5dB(A)	24.1dB(A)	42.1dB(A)	29.0dB(A)	25.3dB(A)
01:10 to 01:15	26.5dB(A)	23.9dB(A)	36.3dB(A)	27.9dB(A)	24.9dB(A)
01:15 to 01:20	26.2dB(A)	23.7dB(A)	34.7dB(A)	27.4dB(A)	24.8dB(A)
01:20 to 01:25	26.8dB(A)	22.9dB(A)	41.8dB(A)	27.5dB(A)	24.5dB(A)
01:25 to 01:30	27.9dB(A)	22.7dB(A)	44.9dB(A)	27.2dB(A)	23.8dB(A)
01:30 to 01:35	25.7dB(A)	22.6dB(A)	42.9dB(A)	26.7dB(A)	23.8dB(A)
01:35 to 01:40	26.7dB(A)	22.5dB(A)	48.4dB(A)	28.0dB(A)	23.7dB(A)
01:40 to 01:45	25.1dB(A)	22.6dB(A)	37.8dB(A)	26.0dB(A)	23.9dB(A)
01:45 to 01:50	27.5dB(A)	22.7dB(A)	44.0dB(A)	27.5dB(A)	23.7dB(A)
01:50 to 01:55	25.4dB(A)	22.5dB(A)	32.1dB(A)	26.8dB(A)	23.9dB(A)

Table 13: Noise results for Apartment 6, Bedroom taken on 21st – 22nd March 2015.

The results from both measurement locations show that the noise climate does vary between 12am to 1am and 1am to 2am. The continuously logging measurements taken in the bedroom show results taken each at 5-minute interval with an equivalent continuous noise level, L_{Aeq} of above 30dB(A) prior to 1am and dropping below 30dB(A) after 1am when customers have left the beer garden. The results taken in the kitchen/diner/lounge/bedroom show that with the balcony doors closed during trading that the equivalent continuous noise level, L_{Aeq} is around 40dB(A) prior to 1am. When the balcony doors are left ajar the noise level remains around 40dB(A), although at this time many of the customers have left the beer garden. Post 1am during the cleanup, the equivalent continuous noise level, L_{Aeq} only reduces marginally to around 36dB(A).

3. REFERENCE TO GUIDANCE

Noise criteria is absent from the *National Planning Policy Framework (NPPF)*, but it does make reference to other guidance such as the *Noise Policy Statement for England (NPSE)*, *BS 8233* and *WHO* guidance on sleep disturbance and community noise levels. *BS 8233:2014 Guidance on sound insulation and noise reduction for buildings* which was revised in 2014 is now a far more robust standard that reflects current planning needs and viewpoints.

The revised *BS 8233:2014* states suitable indoor ambient noise levels for dwellings which are detailed in table 14;

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Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35dB L _{Aeq, 16hour}	-
Dining	Dining room/area	40dB L _{Aeq, 16hour}	-
Sleeping (daytime resting)	Bedroom	35dB L _{Aeq, 16hour}	30dB L _{Aeq, 8hour}

Table 14: BS 8233:2014 Indoor ambient noise levels for dwellings

The noise results obtained in the bedroom prior to 1am exceed the 30dB L_{Aeq} internal noise level for night-time sleeping. Post 1am when trading has ceased the internal noise level decreased to below 30dB L_{Aeq}.

Further reference can be made to the NPSE in which it seeks in its aims to minimise adverse impacts and to mitigate in regards to health and quality of life resulting from environmental, neighbour and neighbourhood noise onto one other neighbour or site within the context of Government policy on sustainable development. In this instance, this refers to situations where noise impact lies somewhere between the *Lowest Observed Adverse Effect Level (LOAEL)*. This is the level above which adverse effects on health and quality of life can be detected and the *Significant Observed Adverse Effect Level (SOAEL)*. This is the level above which significant adverse effects on health and quality of life occur.

If no noise was audible from the source then this would be referred to as *NOEL – No Observed Effect Level*. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to noise.

Table 15 details the applicable LOAEL and SOAEL.

Noise Source	Assessment Location	LOAEL	SOAEL	Times
General Environmental Noise and Road Traffic	Outdoor living space Facade	50dB L _{Aeq, 1hour}	55dB L _{Aeq, 1hour}	Day 07:00 – 23:00
	Facade	50dB L _{Aeq, 16hour}	72dB L _{Aeq, 16hour}	Day 07:00 – 23:00
	Facade	45dB L _{Aeq, 8hour}	67dB L _{Aeq, 8hour}	Night 23:00 – 07:00
	Habitable Room	30dB L _{Aeq, 8hour}	40dB L _{Aeq, 8hour}	Night 23:00 – 07:00
	Habitable Room	35dB L _{Aeq, 16hour}	45dB L _{Aeq, 16hour}	Day 07:00 – 23:00

Table 15: NPSE Criteria

From the results obtained from the noise survey the following conclusions have been drawn and referenced to guidance;

- The night-time L_{Aeq} noise levels measured in the bedroom fall in between the LOAEL and the SOAEL.
- Although night-time L_{Aeq} noise levels were not measured at the façade on the balcony of apartment 6, with L_{Aeq} noise levels within the kitchen/diner/lounge/bedroom at 40dB it can be assumed that noise levels at the façade on the balcony prior to 1am will exceed 45dB L_{Aeq} on the balcony and therefore would fall in between the LOAEL and the SOAEL.

Sanctuary Acoustics

In 2009 the *World Health Organisation (WHO)* published guidance on community annoyance in which with respect to night-time noise limits at levels below 30dB $L_{\text{night, outside}}$ it was found there are no observed effects, NOEL. When levels increased to 40dB $L_{\text{night, outside}}$ adverse effects are observed, it should be noted that in addition to steady state or continuous noise, effects were also observed for transient or individual maximum noise events which exceeded 42dB $L_{\text{AFmax, inside}}$. Therefore, it is suggested that for sleep disturbance the LOAEL is 45dB $L_{\text{night, outside}}$ and 45dB $L_{\text{AFmax, inside}}$ (i.e. 55dB $L_{\text{AFmax, outside}}$ with open windows). When external levels increase above this level it would be necessary to close the windows and provide alternative ventilation to ensure that the internal noise levels continue to be acceptable.

From the results obtained from the noise survey the following conclusions have been drawn and referenced to guidance;

- The current noise levels prior to 1am exceed the recommended internal noise levels of 30dB L_{Aeq} . This level is achieved in the bedrooms post 1am when existing trading has ceased.
- Once trading has ceased noise from activity in the beer garden continues which with any cleanup exercise cannot be avoided but staff congregating in the beer garden once all work including the cleanup in the pub has been completed can be avoided.

4. RECOMMENDATIONS

Following the noise assessment the following recommendations are made;

- Based upon the noise results attained during and after the existing licensed trading hours has ceased it is recommended that further trading beyond this time be refused on the grounds of noise nuisance.
- After existing trading and once the cleanup process has been completed it is further recommended that the beer garden is not used for a post-work get together by pub staff but should only be used in an emergency, for example such as in the event of a fire or when staff are post shift and need to walk through the beer garden to access parked vehicles.

5. CONCLUSIONS

The existing noise levels prior to 1am already exceed recommended internal noise levels of 30dB $L_{\text{Aeq 8-hour}}$ in the bedroom which overlooks the side aspect. In the kitchen/diner/lounge/bedroom which overlooks the beer garden the noise level is higher at 40dB. The results post 1am show a decrease in noise levels to within guidelines provided in BS 8233:2014, the NPSE and WHO guidance in the bedroom but levels still remain higher in the kitchen/diner/lounge/bedroom.

Therefore, in conclusion it is recommended that a further extension of trading under the license agreement is not carried forward and that once work in the beer garden has been completed and members of the Yates's staff have finished their shifts they are not permitted to congregate in the beer garden which currently prolongs the raised noise level in the vicinity but must wait inside. Access to the beer garden once cleanup has been completed as stated above should be restricted to emergencies or returning to parked vehicles post-shift.

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6. SUMMARY.

Sanctuary Acoustics was asked by [REDACTED] to assess the existing noise environment at Jacobs Court, Kyrle Street, Hereford. The dwellings located at Jacobs Court are within a built up area in central Hereford and adjoin a Yates's public house with beer garden and smoking area at the rear to which Jacobs Court overlooks. The public house currently operates until 1am but seeks an extension to 2am. However, residents have raised concerns in respect to noise breakout from the public house into amongst other places the dwellings at Jacobs Court. It is our understanding that when the dwellings were originally built and occupied the public houses' license was until midnight but has since crept forward to 1am. The 24-hour period is divided into a 16-hour daytime and an 8-hour night-time. Daytime is 7am to 11pm and subsequently night-time is 11pm to 7am. Noise measurements were conducted in apartment 6 between 12am and 2am to assess both the last hour of the current trading license between 12am and 1am and noise levels during the proposed 1-hour extension between 1am and 2am. It is also proposed that trading be permitted until 3am up to 15 nights a year. Two sets of noise measurements were undertaken, one in the kitchen/diner/lounge/bedroom overlooking the beer garden and a second measurement in a side bedroom that overlooks the main public house building. The noise measurements obtained in the kitchen/diner/lounge/bedroom which are in line of sight of the beer garden were undertaken with and without the balcony doors open and the bedroom measurements were undertaken with the windows closed. It was noted that there did not appear to be any ventilators in the apartments either in the glazed units or through wall vents and therefore to enable an exchange of airflow the balcony doors and windows would need to be opened.

To summarise:

1. Noise measurements were undertaken at Apartment 6, Jacobs Court, Kyrle Street, Hereford.
2. Noise measurements were taken at two locations between 12am to 1am to assess noise levels during the current final hour of trading at the adjoining Yates's Public House and between 1am to 2am to assess noise levels in the vicinity during what would be an extension period to the existing trading license. The noise survey commenced on Saturday 21st March and concluded on Sunday 22nd March 2015.
3. The noise assessment was conducted using two sound level meters, a Norsonics 132 sound level meter set up in a bedroom (location 1) on the side aspect and overlooking the public house taking noise measurements at 5-minute intervals with all windows and doors closed. The second measurement, location 2, was undertaken using a Norsonics 131 sound level meter in the kitchen/diner/lounge/bedroom which overlooks the beer garden. These measurements were taken at alternate 15-minute and 5-minute measurements with and without the balcony doors ajar.
4. The noise measurements were referenced to the *National Planning Policy Framework (NPPF)*. Further reference was also made to *BS 8233:2014 Guidance on sound insulation and noise reduction for buildings*, *BS 7445-1:2003 Description and Measurement of Environmental Noise – Part 1: Guide to Quantities and Procedures*, *Noise Policy Statement for England (NPSE)* and the *World Health Organisation (WHO) Night Noise Guidelines for Europe*.
5. *BS 8233:2014* recommends a 30dB L_{Aeq} in Bedrooms for Sleeping and 35dB L_{Aeq} in Living Rooms for Resting and 40dB L_{Aeq} within Dining Rooms.

Sanctuary Acoustics

6. The results obtained in the bedroom show that prior to 1am which is during trading the recommended internal noise level of 30dB L_{Aeq} which is to enable undisturbed sleep is exceeded. Post 1am when trading has ceased the noise level within the bedroom decreases below 30dB L_{Aeq} . The noise level in the kitchen/diner/lounge/bedroom which overlooks the beer garden is closer to 40dB during trading and increases when the balcony door is left ajar. After trading during cleanup and when staff have finished their shifts but remain in the beer garden the noise level still remains above 35dB in the kitchen/diner/lounge/bedroom with the balcony doors ajar.
7. Based upon the noise results obtained and with reference to applicable guidance it is recommended that the extension beyond 1am should not be granted and furthermore once the cleanup of the beer garden has been completed, staff are not permitted to congregate in the beer garden as they unnecessarily contribute to the noise climate. The only exceptions made to this should be in the event of an emergency such as a fire or to exit the premises once their shift has finished and they need to access vehicles parked to the rear.

Sanctuary Acoustics

7. ANNEX A

Acoustics Glossary of Terms

$L_{Aeq,T}$ – Equivalent continuous sound pressure level. This is the A-weighted sound pressure level in decibels (dB) of a continuous, steady sound that within a specified time interval, T, has the same mean squared sound pressure as a sound that varies with time.

L_{A10} – The A-weighted mean square sound pressure level that is exceeded for 10% of the time.

L_{A90} – The A-weighted mean square sound pressure level that is exceeded for 90% of the time. Referred to as the background noise level.

L_{Amin} – The lowest A-weighted noise level recorded during a noise event.

L_{Amax} – The highest A-weighted noise level recorded during a noise event.

Tab 10



Town Planning & Development Consultants

TOWN & COUNTRY PLANNING ACT 1990

Application by Stonegate Pub Company

Proposed external bar

Site at: Yates's (formerly Litten Tree), 58 Commercial Road, Hereford

**STATEMENT IN SUPPORT OF PLANNING APPLICATION
INCORPORATING DESIGN & ACCESS STATEMENT**

Prepared by
Paul Semple BA(Hons) MRTPI

March 2012

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4.0 RELEVANT PLANNING POLICIES

- 4.1 The appropriate Development Plan for the application site is the Herefordshire Unitary Development Plan (UDP), adopted in March 2007, whose many policies were saved by a Direction from the Secretary of State issued on 24 February 2010.
- 4.2 The Development Plan is supported by Supplementary Planning Guidance (SPG) documents which give further advice and requirements evolving from Development Plan policies. The Council adopted an SPG on Design & Development Requirements in July 2004 to act as interim guidance to the Herefordshire UDP.
- 4.3 Saved Policy DR1 of the UDP on Design requires that all development, amongst other matters, respects the context of the site, taking into account townscape and the impact of the proposal on urban vistas, larger distance views and ridgelines.
- 4.4 This section of Commercial Road is situated within the Hereford Central Area Conservation Area. Saved Policy HBA6 on new development within conservation areas requires, amongst other matters, that it preserves or enhances its character or appearance, respecting the scale, massing and height in relation to adjoining buildings.
- 4.5 The Hereford Rapid Townscape Assessment (HRTA) published in March 2010 is one of a number of background studies that form part of the evidence base for the Herefordshire Council's Local Development Framework (LDF). Principally intended to contribute to an assessment of the city to accommodate growth allocated through the LDF, it will also assist in the preparation of a design framework for areas of development potential.
- 4.6 The part of Commercial Road in which the application site is located is contained within the Priory Portfields Character Area in the HRTA. The townscape of this area of Commercial Road is described as having a number of prominent buildings of three or four storeys in an area of commercial and leisure/entertainment activity.

1.0 INTRODUCTION

1.1 This document has been prepared to support and accompany a planning application by Stonegate Pub Company for an external bar at Yates's public house, 58 Commercial Road, Hereford.

1.2 It is set out in the following sections, including this introduction:

- 1.0** Introduction
- 2.0** Site & Surrounding Area
- 3.0** The Proposal
- 4.0** Relevant Planning Policies
- 5.0** Design & Access Statement
- 6.0** Summary & Conclusions

2.0 SITE DESCRIPTION

- 2.1 The former Litten Tree Public House, to be re-named Yates's, occupies the ground floor of 58 Commercial Road, Hereford and is part of a substantial building known as Jacobs Court, with a very distinctive frontage. Four storeys high, with the top floor partly in the roof space, it represents a very symmetrical frontage to Commercial Road, with granite colonnades dividing the front elevation into three distinct bays with semi-circular arched window openings at first and second floors, above a modern wooden shop frontage to the public house.
- 2.2 To the rear of the public house is an enclosed courtyard used as a sitting out area by its customers and separated from a vehicular access way from Commercial Road and a car park at the rear and side by a wooden fence. There are two jumbrellas in this sitting out area, which is accessed via a rear door from the public house. There is an emergency gated access onto the vehicular driveway from Commercial Road and a double door fire exit from the public house into the sitting out area.

3.0 PROPOSAL

- 3.1 The proposed single storey extension is effectively a free-standing outside bar contained within a shiplap-boarded building with a mono-pitch roof situated against the rear wall of the public house and adjacent to its rear escape route double doors. Its purpose is to serve drinks to customers using the outside sitting area.
- 3.2 It is described in more detail in the Design & Access Statement contained within Section 5, but has an opening service hatch facing out onto the sitting out area and is accessed by serving staff only via a side door.

5.0 DESIGN & ACCESS STATEMENT

- 5.1 As required by section 42 of the Planning & Compulsory Purchase Act 2004, a Design & Access Statement has to be submitted with a planning application to explain and justify proposals and cover the design principles and concepts that have been applied to the development. The following sections set out the requisite aspects of the proposal, where appropriate.
- 5.2 **Amount:** The proposal is to provide a 3 metre by 2.4 metre external bar, housed in a tanilised shiplap-boarded single storey building.
- 5.3 **Layout:** The bar occupies a location in the public house's rear outside sitting area. It will occupy a position abutting the rear elevation of the building and adjacent to, but clear of, the emergency exit/fire doors to the public house. It will enable staff both to serve drinks to customers using the outside seating area and through its location enable them to visually monitor their customers and have a physical presence outside. It will result in the relocation of one circular table and eight chairs to elsewhere in the outside area and a new electrical mains box and bottle store.
- 5.4 **Scale:** The 3 x 2.4 metre building has a height to its mono-pitched roof of 2.5 metre with a 2 metre-high access door and a 1.5 metre-wide opening hatch.
- 5.5 **Landscaping:** there is no hard or soft landscaping proposed as part of the application.
- 5.6 **Appearance:** The external bar will have a functional appearance, but be clad in tanilised shiplap-boarding to soften its overall visual impact, with a steel security door and opening hatch that also provides shelter from the elements.
- 5.7 **Access:** The outside bar is intended to be access internally by staff only and has a lockable security door for safety reasons. Customers can access the drinks served from it by a service hatch during normal licensing hours. Access to the outside sitting area in which it is located is through the public house.

6.0 SUMMARY & CONCLUSIONS

- 6.1 The public house forms the ground floor unit of a very distinctive building fronting onto Commercial Road. The rear of the building is much more utilitarian in appearance and long to medium distance public views into it are restricted by development along Union Walk and Kyrle Street. Closer, shorter distance views are restricted to private access ways and car parks where the existing fence that encloses the sitting out area contains views, with the jumbrellas further screening views to the rear elevation of the building.
- 6.2 The proposed outside bar will be seen against this rear elevation. Because of its limited size, height and mono-pitch roof, it will have minimum visual impact when seen in any view from outside of the public house's curtilage and therefore it is considered it preserves the overall character of this part of the Central Conservation Area with its townscape 'back of house' appearance and character, and respects the context of the site as required by saved UDP policies.

DELEGATED DECISION REPORT

APPLICATION NUMBER S120779/F

58 Commercial Road, Hereford, Herefordshire HR1 2BP

CASE OFFICER: Mr E Thomas
DATE OF SITE VISIT: 18th April 2012

Relevant Development HBA6, ARCH7, DR1
Plan Policies: NPPF

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Town Council	Y		X		
Transportation	Y		X		
Historic Buildings Officer	Y		X		
Environmental Health	Y	X			
Neighbour letter/ Site Notice	Y	X			
Local Member	Y		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application seeks permission retrospectively for the retention of a freestanding servery in the rear beer garden at the recently rebranded Yates' Wine Bar (formerly The Litten Tree), 58 Commercial Road, Hereford. The public house is a large and prominent building extending deep into the site, beyond which there is a beer garden with seating area. To the immediate NE is the Hop Pole beer garden. To the SW is the parking area to the rear of Jacob's Court apartments. Kyrle Close, a terrace of 5 dwellings beyond the SE boundary.

The building has, essentially, the appearance of a garden shed, with serving hatch facing the garden and personnel door in the SW facing elevation. It is not attached to the building but is only inches from it. It is a modest timber-framed and clad structure, dark stained. There is a very shallow fall towards the main building. It is 4m x 2.970m in plan and 2.5m at its tallest.

The site is within the Conservation Area and the AAI, although as a freestanding structure there has been no ground disturbance.

Representations:

Town Council: No objection
Transportation: No objection
Historic Buildings Officer: No objection
Environmental Health: No response
Neighbour/Notice: No response
Local Member: No objection

Pre-application discussion: No

Constraints: HBA6; ARCH7 - AAI

Appraisal:

The structure is timber, small and self-effacing. It has very little publicly felt impact being to the rear of the far larger pub building and thus seen against the backdrop of this and other large, typically brick buildings. As such, it is my opinion that the proposal would preserve the character and appearance of this part of the Conservation Area in a manner that complies with primary legislation in the form of s.73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy HBA6 of the UDP. The Conservation Officer has no objection.

There is no impact upon the potential archaeological interest of the site, as the development has not disturbed the ground in any way.

Whilst the building contains a servery for the beer garden, this would not, in my view, give rise to any additional noise issues. Such issues could be controlled via the licensing regime in any case.

The application is recommended for approval.

RECOMMENDATION: PERMIT REFUSE


CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

Unconditional - retrospective

Reasons for Approval

The proposal has been considered with regard to Policy HBA6 of the Herefordshire Unitary Development Plan, The Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework. The local planning authority considers the proposal to preserve the appearance of the conservation area and has no implications for the potential archaeological interest of the site.

Signed:  Dated: 17th May 2012

TEAM LEADER'S COMMENTS:

Note - please ensure description is change to reflect freestanding nature of building

DECISION:  PERMIT REFUSE

Signed: Dated: 17/5/12

Thomas, Edward

From: Paul Semple [REDACTED]
Sent: 19 April 2012 08:20
To: Thomas, Edward
Subject: RE: S120779/F - 58 Commercial Road (Yates' Wine Bar), Hereford

Ed: Further to your email I concur with your suggested wording for the now retrospective application for an outside bar at the above.

Thank you also for the photographs. Some clients believed that now the application has been submitted it is in order to carry out the development, despite what we advise....

Regards,

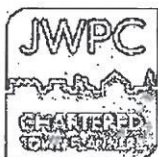
Paul Semple

Associate Director

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From: Thomas, Edward [<mailto:ethomas@herefordshire.gov.uk>]
Sent: 18 April 2012 16:05
To: Paul Semple
Subject: S120779/F - 58 Commercial Road (Yates' Wine Bar), Hereford

Dear Mr Semple,

Attached are photos of the structure, already installed. As discussed I don't feel that the current description "single-storey rear extension" is accurate in the context that the structure is not physically attached to the building, and the application is retrospective. I would be grateful if you would agree to an amendment as follows:

"Application for the retention of freestanding external bar in rear beer garden"

I look forward to hearing from you shortly.

Kind regards
Ed Thomas

Edward Thomas
Principal Planning Officer
Tel: 01432 260479
Fax: 01432 261970
ethomas@herefordshire.gov.uk

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Tab 11

Section 13: Summary of Hours of Licensed Activities

This section sets out how applicants are advised to apply for the hours which they will use and how they must have consideration to the impact they may have on the Licensing Objectives. Where appropriate following representation, the Licensing Authority may curtail the hours applied for.

13 HOURS OF LICENSED ACTIVITIES

- 13.1 Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact these hours may have on any of the licensing objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
- 13.2 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times, the Licensing authority will give consideration to how the applicant will achieve the Licensing Objectives and the representations made against such hours.
- 13.3 Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to the licensing objectives.
- 13.4 Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.
- 13.5 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to allow sales of alcohol at all times that the premises is open for business, this

Licensing Authority recognises that any particular application may have to be refused or hours may have to be restricted in order for the licensing objectives to be achieved.

- 13.6 Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.

Section 14: Summary of Opening Hours

This section deals with the hours licensed applicants are advised to apply for and consideration to the impact these may have on the Licensing Objectives. The Licensing Authority may curtail the hours applied for.

14 OPENING HOURS

- 14.1 It is a requirement that applicants put down on their application form for new premises licences/Club Premise certificates the times that the premises are to be open on any day. Subject to there being no representations, the opening times requested will be placed on the Licence/Certificate.
- 14.2 It is possible for applicants to apply for longer opening times than those required for the licensable activities (e.g. supply of alcohol).
- 14.3 In the event of relevant representations, the Licensing Authority may consider taking steps in restricting the opening times, such as:
- Reducing the opening times (and especially the closing times) to the same times as the licensable activities, or
 - Reducing the closing time to a shorter period after the finishing times of the licensable activities (e.g. reduce the closing time to 30 minutes after the time that the supply of alcohol has to stop).
- 14.4 Such measures may be considered appropriate, for example to prevent persons stacking up bottles, cans etc for drinking on the premises during the remainder of the premise's opening times and creating crime and disorder or public nuisance issues.

Section 22: Summary of Public Nuisance

This section addresses the issue of promoting the licensing objective of the prevention of public nuisance. It advises that applicants should consider the advice given in these pages when making application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.

22 PREVENTION OF PUBLIC NUISANCE

22.1 General

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the venue. This may include noise from customers' cars arriving, car stereo systems, car horns, vocal noise from customers, or those that transport customers to and from the venue, revving engines, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of the premises.

22.2 When applicants for premises licences or club premises certificates are preparing their operating schedules, the matters dealt with in this annex should be carefully considered as a means to prevent public nuisance.

22.3 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

22.4 Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

22.5 Planning

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation.

22.6 In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

22.7 Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

22.8 Factors to consider during application

In determining applications for new and varied licences, regard will be had to following factors: the location of premises, the type and construction of the building, the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

22.9 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

22.10 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

22.11 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00 pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

22.12 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

22.13 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

22.14 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy.

22.15 Management and control of customers

Procedures should be put in place to manage the behaviour of customers in so far as it may contribute to public nuisance. These measures may include; management of people who arrive and leave the premises, the placing of signage reminding patrons to arrive and leave quietly, the consideration of arranging a dedicated taxi service, the quick dispersal of customers away from the premises when leaving, and when drinking outside is permitted, to take into consideration the potential of public nuisance.

22.16 Hours

The hours during which the licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate are set for the prevention of public nuisance. But this must be balanced by the

potential impact on disorder which results from artificially fixed closing times. For example where the premises are in a predominately residential area the potential for public nuisance is greater.

22.17 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.

22.18 Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

22.19 Litter

Premises that provide food and /or drink for consumption off the premises could create public nuisance in the form of their patrons causing litter (i.e. food wrappings/containers and drink containers) in the vicinity of the

Annex 1: Summary of Special Cumulative Impact Policy

These pages deal with the special policy which affects Hereford City Centre.

ANNEX 1

SPECIAL CUMULATIVE IMPACT POLICY

- A1** The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:
- An increase in crime against both property and persons;
 - An increase in noise and disturbance to residents;
 - Traffic congestion and/or parking difficulties;
 - Littering and fouling.
- A2** The licensing policy is not the only means of addressing such problems. Other controls include:
- planning controls
 - CCTV
 - provision of transport facilities including Taxi Ranks
 - Late Night Levy
 - Early Morning Restriction Orders (EMRO's)
 - Designated Public Places Orders
 - police powers
 - closure powers
 - positive measures to create safer, cleaner and greener spaces
- A3** Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.
- A4** The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter

for a licensing authority to consider in developing its Statement of Licensing Policy.

A5 In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

A6 In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

A7 As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:

- Commercial Road full length (both sides) from its junction with Aylestone Hill to its junction with Blueschool Street and Bath Street – a point known as Commercial Square.
- Commercial Square, all sides and in all directions.
- Bath Street (both sides) east 50m from its junction with Commercial Square.
- Union Street (both sides) full length, both to South to St Peter's Square.
- Gaol Street (both sides) from its junction with Union Street East to a point East and starting at the private car park of Hereford Police Station.
- St Peter's Square East into St Owen Street (both sides) for a distance of 150m (opposite Hereford Town Hall).
- St Peter's Square to St Peter's Street – both sides of the streets.

- St Peter's Street to High Town pedestrian precinct – all sides and in all directions.
- High Town pedestrian precinct from its junction with High Street towards Widemarsh Street – all sides of all streets
- Widemarsh Street (both sides) north to its junction with Newmarket Street and Blueschool Street – commonly known as 'Wellington Corner'. Both sides of the streets and in all directions.
- Blueschool Street (both sides) from its junction with Newmarket Street and Widemarsh Street at a point commonly known as 'Wellington Corner' to its junction with Commercial Square
- All streets and locations enclosed within this defined area (as indicated in the shaded area of map Appendix A)

A8 A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

A9 Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

A10 The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:
 - New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

A11 However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

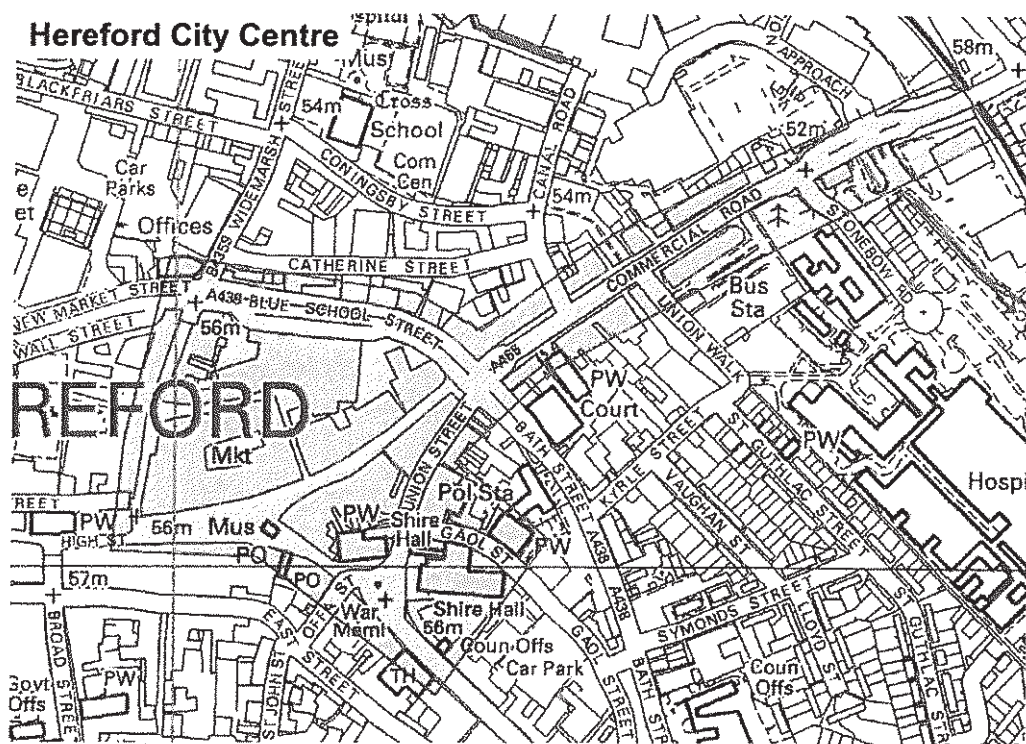
A12 The special policy will apply to all the licensable activities of:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment

Summary of Crime and Disorder in Hereford - extended Cumulative Impact Zone 2013. Version 2 (March 2013)

1.0 Overview

This document is an assessment of crime and disorder within the area outlined in red on the map below. The streets within the area are either within the existing Hereford Cumulative Impact Zone (CIZ) or within the proposed extension to that zone.



2.0 Incidents

In the 12 months between 1 January and 31 December 2010 there were a total of 1003 incidents of relevant crime or disorder¹ reported in the area outlined above, of these, 229 incidents went on to be crimed (23%). Of the 1003 incidents 636 (63%) occurred between the hours of 18:00hrs and 04:00hrs, 157 of these went on to be crimed (25%).

In 2011 there were a total of 942 incidents, 201 went on to be crimed (21%). 611 (65%) occurred between 18:00hrs and 04:00hrs, 147 of these went on to be crimed (24%).

¹ Incident types included are; Anti-social Behaviour, assaults, criminal damage, drug offences, sexual offences, public order offences, collapse/illness/injury, concern for safety, licensing, suspicious circumstances.

This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

In 2012 there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00hrs and 04:00hrs but in 2012 those incidents occurring in that time bracket are as likely not more likely to be crimed (as in previous years).

In January 2013 there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00hrs and 04:00hrs.

Table of all call types throughout the day (all relevant incidents of crime and disorder 2010- January 2013)

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Illness/Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
Total	1003	942	1014	64	100.00%	100.00%	100.00%	100.00%

Table of overnight relevant call types (18:00hrs to 04:00 hrs) 2010- January 2013

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/Illness/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
Total	636	611	666	41	100.00%	100.00%	100.00%	100.00%

Within the CIZ ASB and drug offences are more likely to occur between the hours of 18:00hrs and 04:00hrs. Assaults and criminal damage are as likely to occur as during the day.

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00hrs to 02:00hrs:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
1800	15	8	16	8	17	14	11	89
1900	15	21	14	19	14	27	12	122
2000	14	12	16	19	15	19	22	117
2100	16	22	18	11	35	33	28	163
2200	20	19	24	17	26	35	27	168
2300	23	20	23	41	73	63	29	272
0000	37	19	15	32	31	85	89	308
0100	18	18	24	24	38	77	98	297
0200	15	9	12	13	14	89	84	236
0300	5	4		4	20	75	74	182
Grand Total	178	152	162	188	283	517	474	1954

Of the 1954 incidents over the period, 909 have been given the "alcohol involved" incident marker (47%).

3.0 Crime

Over the period 1st January 2010 to 31st January 2013 there were 452 incidents (18:00hrs to 04:00hrs) within the area under review that went on to receive an external crime number. Of these 35 were no crimed.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%