

AGENDA

Regulatory Sub Committee

Date: **Monday 14 December 2015**

Time: **11.00 am**

Place: **Committee Room1, 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

Membership

**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. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER. HR6 8JA - LICENSING ACT 2003 To consider an application for a new premises licence in respect of The Royal Oak Hotel, South Street, Leominster, HR6 8JA.	9 - 58

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

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

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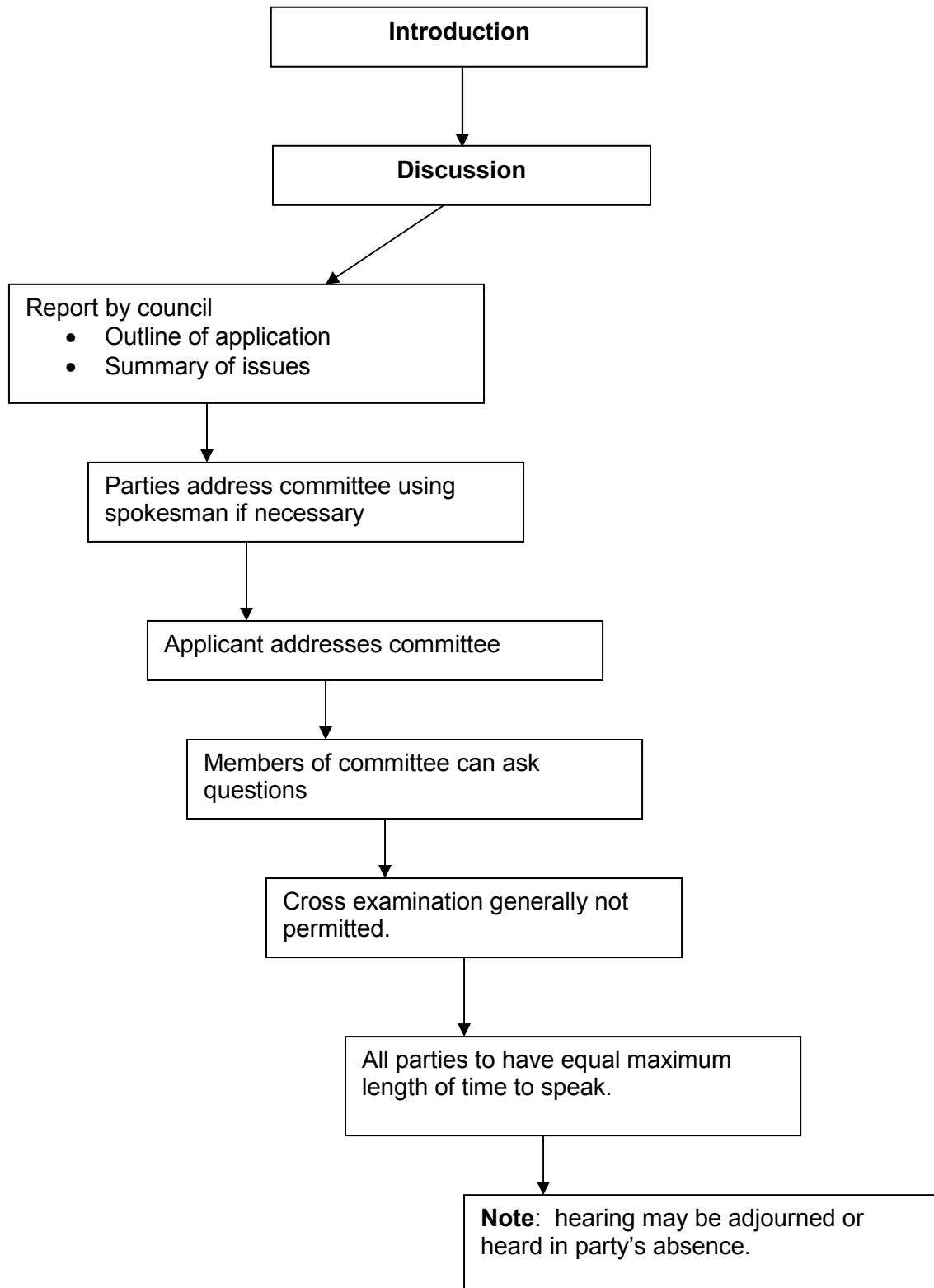
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Licensing Hearing Flowchart





Meeting:	REGULATORY SUB-COMMITTEE
Meeting date:	14th December 2015
Title of report:	TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER. HR6 8JA - LICENSING ACT 2003
Report by:	LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster

Purpose

To consider an application for a new premises licence in respect of The Royal Oak Hotel, South Street, Leominster, HR6 8JA.

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 Licensing Policy.

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,

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

- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.
- f) Adjourn the matter, to a set date, if the committee feel that to do so would be in the public interest

Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. Licence Application

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

- 4. The details of the application are:

Applicant	Charmain Rhoda BROOKE	
	The Royal Oak Hotel, South Street, Leominster, HR6 8JA.	
Solicitor	N/K	
Type of application: New	Date received: 5th September 2015	28 Days consultation ended 2nd October 2015

5. Summary of Application

The application for a new premises licence requests the following licensable activities during the hours shown.

Indoor Sporting Events Friday 20:00 – 22:30

Live Music (Indoors only) Friday to Monday 09.00 – 00.00
(Further details ~ Bar 44 – Every Friday and Saturday and Bank Holidays : Karaoke – Every 2 weeks on Friday & Saturday : Live Entertainment once a month on a Saturday in the Function Room)

Recorded Music (Indoors & Outdoors) All days 09.00 – 00.00
(Further Details ~Juke Box and Occasional Sky Music Channel)

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

Performance of Dance (Indoors) (Further details ~ Bar 44, Main Bar, Function Room)	All days	09.00 – 00.00
Late Night Refreshment (In & Outdoors) (Further details ~ Outdoor Smoke Area : Drink will be served from the main bar, Bar 44, Function Room, Restaurant)	All days	23.00 – 00.00
Supply of alcohol (On & Off premises)	All days	09.00 – 00.00
Non Standard Timings: Live Music – Bank Holidays, Christmas Eve, Boxing Day, New Year's Eve 09.00 – 01.00		

6. Additional Information

The premises have previously been licensed but had its licence revoked on 13th August 2015 following an expedited review of the premises licence. The old licence authorised the following:

A performance of live music; Any playing of recorded music;; Other entertainment facilities; Sale by retail of alcohol

Monday-Thursday: 09:00 - 23:30

Friday-Saturday: 09:00 - 01:00

Sunday: 09:00 - 00:00

Provision of facilities for Dancing; Making music

Monday-Thursday: 09:00 - 23:30

Friday-Saturday: 09:00 – 01:00

Sunday: 09:00 - 00:00

Provision of late night refreshment

Monday-Thursday: 23:00 - 23:30

Friday-Saturday: 23:00 - 01:00

Sunday: 23:00 - 00:00

Non standard timings: All of the above
On the Sunday before a Bank Holiday Monday until 01.00.

Non Standard Timings:
From the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

7. This matter appeared before this Committee on 30th October 2015 when the matter was adjourned until today. (A copy of the Decision Notice is attached).

8. Summary of Representations

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

Representations have been made by:
Three (3) of the Responsible Authorities (Police, Environmental Health [EHO] and the Licensing Authority)

The representations made by the EHO and the Licensing Authority requested various

conditions be placed on the licence which the applicant has agreed to. The representations have now been withdrawn.

The representation made by the police requested a number of conditions be attached to the licence which was agreed by the applicant. The police also objected to the proposed designated premises supervisor (DPS) who is the applicant Charmain Brooke.

Following correspondence received from the applicant and the owner of the premises Russell Stevens the police have objected to the licence in its entirety.

There has been One (1) representation made by a Residents Association and One(1) representation was received from a member of the public which was out of time.

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

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

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

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.

Right of Appeal

14. Schedule 5 gives a right of appeal which states:
- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
- (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
- (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

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

Risk Management

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

Consultees

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

Appendices

- a. Application Form
- b. Police Representation
- c. Responsible Authorities Representation
- d. Evidence from the Residents Association
- e. Representation from the residents association
- f. Correspondence from premises owner
- g. Correspondence from applicant
- h. Decision Notice (30th October 2015)

Background Papers

None.

PRO1699
05-09-15
02-10-15

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we CHARMAIN BROOKE
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>THE ROYAL OAK HOTEL</u> <u>SOUTH STREET</u> <u>LEOMINSTER</u> <u>HEREFORDSHIRE</u>
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Post town	<u>LEOMINSTER</u>	Postcode	<u>HR6 8JA</u>
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Telephone number at premises (if any)	<u>01568 612610</u>
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Non-domestic rateable value of premises	<u>£ SIX HUNDRED THOUSAND</u>
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Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BROOKE			First names CHARMAIN RHODA		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
02	09	2015

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

DD	MM	YYYY

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

HOTEL/PUBLIC HOUSE / BAR44 / FUNCTION ROOM
RESTAURANT.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) SEASONAL DARTS TEAM
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri	20.00	22.30	
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	09.00	00.00	Please give further details here (please read guidance note 3) DJ BAR44 EVERY FRIDAY AND SATURDAY AND ALSO BANK HOLIDAYS. KAREOKE EVERY TWO WEEKS ON FRIDAY AND SATURDAY - LIVE ENTERTAINMENT ONCE A MONTH ON A SATURDAY FUNCTION ROOM <i>Public Booking</i>		
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur					
Fri	09.00	0.0.00	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)		
Sat	09.00	00.00	BANK HOLIDAYS . 09.00 - 01.00 CHRISTMAS EVE 09.00 - 01.00 BOXING DAY 09.00 - 01.00		
Sun	09.00	00.00	NEW YEAREVE. 09.00 - 01.00		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	09.00	00.00	JUKE BOX OCCASIONAL SKY MUSIC CHANNEL		
Tue	09.00	00.00			
Wed	09.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	00.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09.00	00.00			
Sun	09.00	00.00			

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	09.00	00.00	Please give further details here (please read guidance note 3) BAR 44 MAIN BAR FUNCTION ROOM		
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	00.00	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)		
Sat	09.00	00.00			
Sun	09.00	00.00			

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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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)		
Sun					

I

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			
Mon	09.00	00.00	Please give further details here (please read guidance note 3) OUTDOOR SMOKE AREA DRINK WILL BE SERVED FROM MAIN BAR BAR 44 FUNCTION ROOM RESTARANT.		
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) BANK HOLIDAYS 09.00 - 01.00 CHRISTMAS EVE 09.00 - 01.00 BOXING DAY 09.00 - 01.00 NEW YEAR EVE 09.00 - 01.00		
Thur	09.00	00.00			
Fri	09.00	00.00			
Sat	09.00	00.00			
Sun	09.00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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) OUTDOOR SMOKE AREA DRINK WILL BE SERVED FROM MAIN BAR BAR44, FUNCTION ROOM		
Mon	09.00	00.00			
Tue	09.00	00.00			
Wed	09.00	00.00			
Thur	09.00	00.00			
Fri	09.00	00.00			
Sat	09.00	00.00			
Sun	09.00	00.00	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) BANK HOLIDAYS. 09.00 - 01.00 CHRISTMAS EVE 09.00 - 01.00 BOXING DAY 09.00 - 01.00 NEW YEAREVE. 09.00 - 01.00		

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

Name	CHARMAIN BROOKE
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence	[REDACTED]
Issuing licence	[REDACTED]

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).

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	09.00	00.00	BANK HOLIDAY - 09.00-01.00 CHRISTMAS EVE 09.00-01.00 BOXING DAY 09.00-01.00 NEW YEAR EVE 09.00-01.00
Tue	09.00	00.00	
Wed	09.00	00.00	
Thur	09.00	00.00	
Fri	09.00	00.00	
Sat	09.00	00.00	
Sun	09.00	00.00	
			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)

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

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

11.30pm ON A FRIDAY & SATURDAY ALL DOORS SHUT TO PUBLIC FROM ENTERING
NEW SYSTEM FOR CCTV IN PLACE IN AND AROUND PREMISES
WAIVER AROUND FORMS PUT INTO PLACE, EXTRA STAFF WEEKEND FOR
GLASS AND BOTTLE COLLECTING, CHILDREN ONLY ALLOWED TO STAY UNTIL 21.00
STAFF TRAINING (IC BBIIAB LEVEL 1) SIGNS OF PUBLIC AND FIRE SAFETY
SIGNED FOR WHEN LEAVING PREMISES TO RESPECT NEIGHBOURS AND
GUESTS CHALLENGE 21 IN PLACE 2 x REGISTERED DOOR STAFF S.I.A

b) The prevention of crime and disorder

NEW CCTV SYSTEM TO RECORDED FOR 31 DAYS 2 x REGISTERED S.I.A DOOR
STAFF EXTRA STAFF FOR GLASS AND BOTTLE COLLECTING, NO HATS SUNGLASSES
HOODS INDOORS RADIOS ON PREMISES, OWN BAND BOOK, CHALLENGE 21 IN
PLACE, DRUGS LEGAL WEAPONS ARE LOCKED IN A SAFE POLICE ARE
CALLED AND THE INCIDENT BOOK BE LOGGED

c) Public safety

DRUGS AND LEGAL WEAPONS TO BE UNDER LOCK AND KEY AND INCIDENT
BOOK FILLED OUT 2 x SIA DOOR STAFF, STAFF UNIFORM, STAFF TRAINING
FIRST AID BOX AND LOG BOOK, WEEKLY MAINTENANCE AND REPAIRS
CCTV RECORDING FOR 31 DAYS SIGNS ABOUT PUBLIC SAFETY.
INCIDENT BOOK TO BE FILLED IN WHEN NEEDED, FIRE ALARMS, FIRE EXITS
AND FIRE POINTS CHECKED BEFORE OPENING

d) The prevention of public nuisance

ALCOHOL CHART FROM HAND BAND. FACEWATCH RESPECT NEIGHBOURS
AND GUESTS. STAFF ARE MADE AWARE TO CALL 999 IN A
EMERGENCY OR 101 FOR NON EMERGENCY. AMPLIFIERS ARE IN
A LOCKABLE CUPBOARD.

e) The protection of children from harm

CHALLENGE 25

ID A11

CHILDREN UNDER 18 IF ACCOMPANIED BY A ADULT TILL 9PM (21.00)
ONLY

KNIVES, DRUGS ARE LOCKED AWAY FROM HARM.

Checklist:

Please tick to indicate agreement

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

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

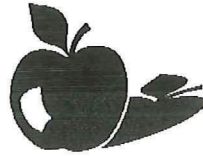
Part 4 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	02-09-2015
Capacity	MRS. C. R. BROOKE.

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

Signature	
Date	
Capacity	



HEREFORDSHIRE
COUNCIL

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

I, Charmain Rhoda Brooke hereby consents to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to Charmain Rhoda Brooke in respect of the application to convert an existing justices' licence held by the applicant where the holder of the licence has consented to the application being made by the applicant for The Royal Oak Hotel Leominster Herefordshire HR6 8JA if that application is successful.



Dated 02-09-2015

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

Notes for Guidance

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

Ground Floor Plan - HOTEL

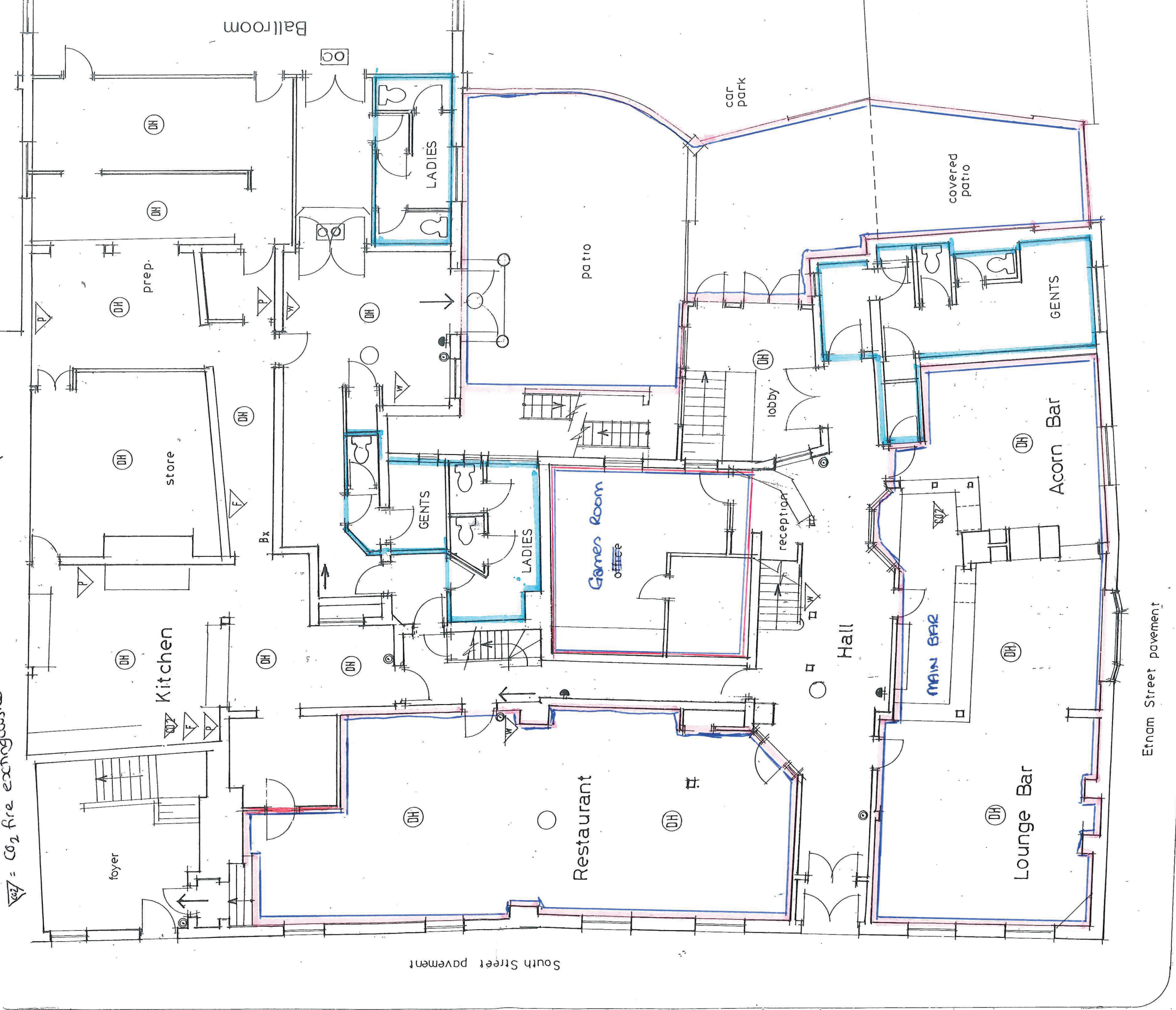
1:100 scale
July 2005

- *Licensable activity area*
- *consumption of alcohol area*

- ∇ = foam extinguisher
- ∇ = powder extinguisher
- ∇ = water extinguisher

- \uparrow = fire alarm siren
- \odot = fire alarm
- \odot = heat detector
- ∇ = CO₂ fire extinguisher

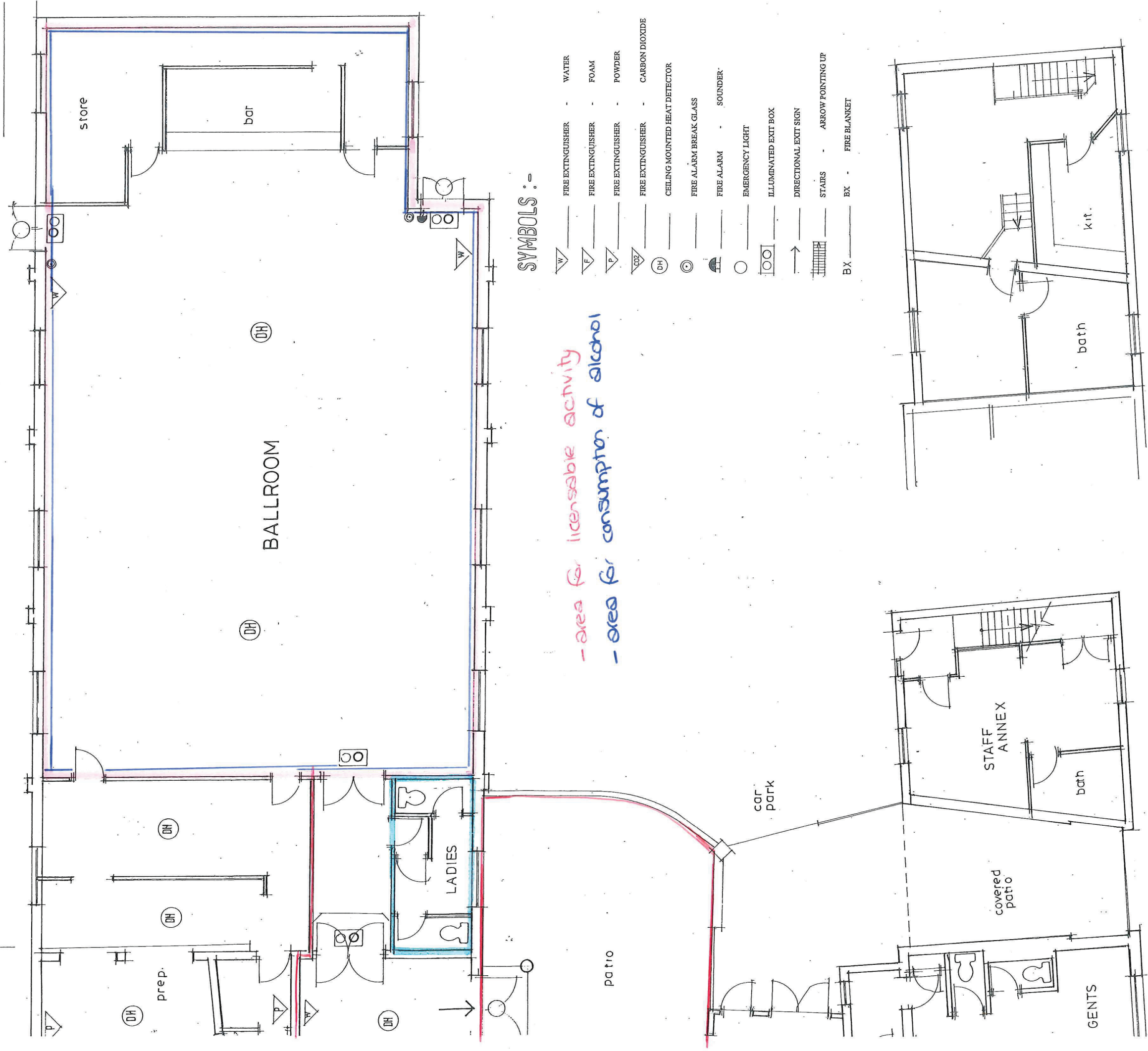
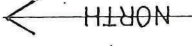
NORTH



South Street pavement

Etnam Street pavement

THE ROYAL OAK HOTEL LEOMINSTER HEREFORDSHIRE
Ground Floor Plan - BALLROOM
 and ANNEX
 1:100 scale
 July 2005



SYMBOLS :-

- W FIRE EXTINGUISHER - WATER
- F FIRE EXTINGUISHER - FOAM
- P FIRE EXTINGUISHER - POWDER
- CO2 FIRE EXTINGUISHER - CARBON DIOXIDE
- DH CEILING MOUNTED HEAT DETECTOR
- C FIRE ALARM BREAK GLASS
- Fire alarm symbol FIRE ALARM - SOUNDER
- O EMERGENCY LIGHT
- ILuminated exit box ILLUMINATED EXIT BOX
- Directional exit sign DIRECTIONAL EXIT SIGN
- Stairs symbol STAIRS - ARROW POINTING UP
- BX FIRE BLANKET

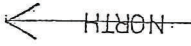
- area for licensable activity
- area for consumption of alcohol

STAFF ANNEX - first floor plan

THE ROYAL OAK HOTEL LEOMINSTER HEREFORDSHIRE

First Floor Plan

1:100 scale
July 2005



flat roof



SYMBOLS :-

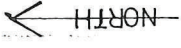
- FIRE EXTINGUISHER - WATER
- FIRE EXTINGUISHER - FOAM
- FIRE EXTINGUISHER - POWDER
- FIRE EXTINGUISHER - CARBON DIOXIDE
- CEILING MOUNTED HEAT DETECTOR
- FIRE ALARM BREAK GLASS
- FIRE ALARM - SOUNDER
- EMERGENCY LIGHT
- ILLUMINATED EXIT BOX
- DIRECTIONAL EXIT SIGN
- STAIRS - ARROW POINTING UP
- BX - FIRE BLANKET

- licensable activity area
- consumption of alcohol area.

~~Left~~ General Manager.

THE ROYAL OAK HOTEL LEOMINSTER HEREFORDSHIRE
^{LS}
Basement Plan

1:100 scale
 July 2005



SYMBOLS :-

	FIRE EXTINGUISHER - WATER
	FIRE EXTINGUISHER - FOAM
	FIRE EXTINGUISHER - POWDER
	FIRE EXTINGUISHER - CARBON DIOXIDE
	CEILING MOUNTED HEAT DETECTOR
	FIRE ALARM BREAK GLASS
	FIRE ALARM - SOUNDER
	EMERGENCY LIGHT
	ILLUMINATED EXIT BOX
	DIRECTIONAL EXIT SIGN
	STAIRS - ARROW POINTING UP
	BX - FIRE BLANKET

- Licensable activity area
- consumption of alcohol area



NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location known as the **Royal Oak Hotel, South Street, Leominster.**

The application is for the licensable activities of the sale/supply of alcohol, regulated entertainment and late night refreshment.

The application seeks to specify the designated premises supervisor as Charmaine BROOKS

West Mercia Police do not object to the application for a premises licence, but **DO OBJECT** to Ms BROOKS being specified as designated premises supervisor (DPS).

This premises was subject to a police review application in July 2015. This resulted in the review being granted in August 2015 and the premises licence being revoked.

As part of the police submissions for the review application, the police raised concerns over the ability of Ms BROOKS to manage the premises and also raised concerns over her honesty. At the time of the review Ms BROOKS did not hold a personal licence and was employed at the location as the manageress. In addition the then premises licence holder gave authority for her to speak on behalf of the company owning the venue.

It is the view of West Mercia Police that there are exceptional circumstances why Ms BROOK should be excluded as the designated premises supervisor for this premises. It has already been demonstrated that the premises are associated with crime and disorder - which as indicated resulted in a review application and licence revocation. Additionally the evidence presented for the review showed a clear link with her being associated with the issues disclosed and her inability to manage the premises in an effective manner to promote the licensing objectives.

With regards to the actual premises licence application, West Mercia Police have the following representations in order to promote the licensing objectives. These are based on knowledge of the location, its previous history and the need to apply conditions that are proportionate, achievable and enforceable

1. A terminal hour for all licensable activities of midnight other than on Bank Holidays, Christmas Eve, Boxing Day and New Years Eve when the terminal hours shall be 0100 hours.
2. All licensable areas shall be vacated within 30 minutes of the end of licensable activities.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 Days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, a authorised

Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

4. On all occasions when regulated entertainment takes place (regulated entertainment is defined as those licensable activities shown within the licence but excluding the sale of alcohol and the provision of late night refreshment), a minimum of two (2) SIA Licensed Door staff shall be employed at the premises one hour prior to the commencement of regulated entertainment until the termination of all 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.

5. At all other times the Premises Licence Holder or DPS will employ SIA doorstaff on a risk assessed. The risk assessment shall be in writing, available at the premises and be produced 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.

6. 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.

7. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

8. A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol
9. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
10. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.
11. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
12. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
13. 'Noise' from the premises must 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 conditions; '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 premises'.
14. Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.
15. The courtyard/garden/carpark shall not be used after 23:00 hours.
16. No external area at the premises shall be used after 23:00 hours.
17. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 18 or over.
18. No person under the age of 18 shall be permitted on the premises after 2200hrs (save for being employed at the premises or a residential hotel guest)
19. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font

bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

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

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

Regards

Jim Mooney (On behalf of Inspector R. Barnett)

Harm Reduction/Community Safety Dept.,

Licensing & Harm Reduction Coordinator,

Policing Unit - Herefordshire,

West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmercia.pnn.police.uk

[**In Herefordshire we protect people from harm**](#)

[**#destinationHereford**](#)

Royal Oak Conditions Agreed – Environmental Health

PREVENTION OF PUBLIC NUISANCE

Noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.

Staff shall check to ensure that noise emanating from the premises does not cause public nuisance at least on an hourly basis whilst recorded or amplified live music is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem. A written log showing the time, the person making the check, observations made and any actions taken shall be kept on the premises and made available at the request of the Licensing Authority.

A suitable and sufficient policy shall be implemented to ensure that rowdy or unsociable behaviour from patrons on the outdoor area is effectively controlled.

Doors to the lobbies to exits shall not be propped open.

A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises.

W.C. facilities are available to customers and are clearly signed.

Prominent clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

All external doors and windows shall be kept closed except for access when amplified music entertainment is provided at the premises and after 23.00 in any day.

The outdoor area shall not be used for the consumption of alcohol or licensable activities after 00.00 (midnight).

Royal Oak Conditions Agreed – West Mercia Police

With regards to the actual premises licence application, West Mercia Police have the following representations in order to promote the licensing objectives. These are based on knowledge of the location, its previous history and the need to apply conditions that are proportionate, achievable and enforceable

1. A terminal hour for all licensable activities of midnight other than on Bank Holidays, Christmas Eve, Boxing Day and New Years Eve when the terminal hours shall be 0100 hours.
2. All licensable areas shall be vacated within 30 minutes of the end of licensable activities.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas

where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 Days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, a authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

4. On all occasions when regulated entertainment takes place (regulated entertainment is defined as those licensable activities shown within the licence but excluding the sale of alcohol and the provision of late night refreshment), a minimum of two (2) SIA Licensed Door staff shall be employed at the premises one hour prior to the commencement of regulated entertainment until the termination of all 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.

5. At all other times the Premises Licence Holder or DPS will employ SIA doorstaff on a risk assessed. The risk assessment shall be in writing, available at the premises and be produced 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.

6. 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.

7. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol

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

8. A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol

9. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

10. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.

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

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

13. 'Noise' from the premises must 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 conditions; '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 premises'.

14. Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.

15. The courtyard/garden/carpark shall not be used after 23:00 hours.

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

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

18. No person under the age of 18 shall be permitted on the premises after 2200hrs (save for being employed at the premises or a residential hotel guest)

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

20. 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).

Royal Oak Conditions Agreed – Local Authority

PREVENTION OF CRIME

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

PUBLIC SAFETY

2. All staff shall wear clothing which identifies them as members of staff of the premises.
3. A system shall be in place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.

4. First aid
A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

Electrical & Gas Installations

5. 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 2003) or Police on demand.

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

Hypnotism

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

Maintenance, Repair and Cleanliness

8. All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
9. Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.
10. Capacity limits

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

Prevention of Public Nuisance

11. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
12. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
13. All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.

14. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; '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 discernible' -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 premises'.
15. Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least once an hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
16. Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.
17. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises and at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
18. No waste such as bottles or refuse shall be placed outside the premises between 10pm hours and the end of licensable activities.
19. No external area at the premises shall be used after 23:00 hours for any licensable activities including the consumption of alcohol.

Protection of Children

20. No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
21. 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.
22. 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. It will be collected and reviewed 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.

23. 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).

Evidence to support representation from South Street Residents Association

Re: License Application - Royal Oak Hotel, Leominster

From: Anna Falcini [mailto: [REDACTED]]

Sent: 16 October 2013 10:32

To: Customer Resolution Team

Subject: Re: The royal oak

Thank you for passing this on.

I would like to inform the Council of another breach of the license. The Royal Oak in Leominster again had recorded music emanating from the building at an unacceptable level on Saturday the 12th October from 9.30 pm onwards. Again the door was open.

We telephoned the police and have an incident number if you require this.

Best wishes
Anna Falcini

On 16 October 2013 09:20, Customer Resolution Team
<CustomerResolutionTeam@herefordshire.gov.uk> wrote:

Dear Ms Falcini

Thank you for contacting Herefordshire Council.

This has been passed on to our Community Protection Team who will look into and resolve this matter. The case reference number for this is CAS-355344-B4K9K6

This and further information is available on our website.

Herefordshire Council Customer Services

From: Anna Falcini [mailto: [REDACTED]] **Sent:** 03 October

2013 21:23**To:** Licensing**Cc:** Info (Shared Mbx)**Subject:** The royal oak

Dear Madam / Sir

The Royal Oak Hotel in South Street, Leominster, continues to abuse its license. Since August there have been 3 incidents of noise abuse. These are as follows:

Saturday 24 th August

From 9 pm until closing time of 1 am there was a DJ playing music at the front of the hotel. It was exceptionally loud so we phoned the police who attended the incident and recorded our complaint. The external door and internal door were both open. We were unable to sit in our front room as it was so invasive.

Saturday 7 th September

Again there was a DJ set up in the front part of the building from 9 pm - 1 am.

The noise from the recorded music was at an unacceptable level, clearly violating the license.

Saturday 27th September

From 9 pm - 11.30 pm there was a live music emanating from the premises.

We have noticed an increase in activity from the Royal Oak and other pubs nearby such as The Ducking Stool, since the nightclub Euphoria has ceased trading. This is in the form of loud music and an increase in negative behaviour in the street on weekends. Whilst we appreciate that there is a need for Leominster to have some venues for entertainment, as residents living close by, we feel that it needs to be in the right kind of buildings which are suitably insulated and managed correctly.

Thank you for your cooperation in this matter.

Yours sincerely
Anna Falcini
16 South Street
Leominster

From: Anna Falcini [REDACTED] **Sent:** 27 October

2013 22:40**To:** Licensing**Cc:** South Street Residents **Subject:** The Royal Oak, Leominster

Dear Madam

I would like to again, register a complaint about the Royal Oak, South street in Leominster following another breach of the license. On Saturday 27th October, music was heard from the premises at 8.30 pm. The license clearly states that music is permitted from 9.00 pm onwards. This is the second week where it has begun at 8.30 pm.

The levels of the music were again loud enough to disturb our evening.

At 10.30 pm, the volume of the music increased. At 11.30 there was another increase in the volume of the music and it became so loud that there were vibrations from the music felt in our house opposite and it was impossible to get any sleep. At this point there were police present in the street attending an incident at The Ducking Stool, further up the street. At 11.55 pm, the police spoke to the security outside the Royal Oak but the issue was not resolved. The music continued until 1.15 am at this level of volume.

To quote from the license conditions - 'Staff shall make regular checks to ensure noise does not emanate from the premises so as to cause a public nuisance.'

'5. noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.'

'6. Staff shall check to ensure that noise emanating from the premises does not cause public nuisance at least on an hourly basis whilst recorded music.... Is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem.

No staff were witnessed monitoring the volume of music. No action was taken to lower the volume of music so that it was not emanating from the building.

We would be very grateful if can you advise us of the actions that will be taken in regard to the breach of the license agreement and the issues which this is causing us as residents. Thank you.

With kind regards

Anna & Peter Falcini

Royal Oak Log

Date and Time	Police incident No	Email EHO	Email Licensing	Phone EHO	Phone Licensing	Other notes
4/4/14 9-1am						Recorded music
6/4/14 8-10pm						Disco
12/4/14 9-12 midnight	572/5/110414 Adam Harris PC6981 phoned and gave advice.	yes	yes	no	no	Live band-Spirit Krek,FB claim they would blow the doors off
13/4/14 1.30-2am	Reported to the police in the morning	yes	yes	no	no	Fight outside
18/4/14 9.30- 12.30	no	yes	yes	no	no	DJ recorded music got louder at 10pm Db-70 outside front door
19/4/14 9- 12.30	no	yes	yes	no	no	DJ recorded music 10.35-74 outside front door, 11.15-inside window sill. 54-60, outside front door 72, outside the royal oak- 74-78, 11.35 inside- 53-60, outside front door 69-74, 12.20, inside 48-60.
4/5/14 21.15- 23.00	688/5/040514	yes	yes	no	no	Live band-Spirit Krek- 21.15-front door-74-90 outside pub 86-96 inside house 53-68
17/05/14 21.00 – 24.00 approx.		no	no	no	no	Karaoke event.
23/05/14 21.00 – 24.00		yes	yes	no	no	Live band Spirit Kreek Playing from 21.00 until 22.30 and from 23.00 – 24.00 Inside house recorded 58 –70 db outside our front door 76-84 Outside pub 85 - 94
25/05/14		yes	yes	no	no	Live band started playing at 9.30pm – 10.30pm and then from 10.45 – 12.06. 59 –65 db inside house, 73 –85 db outside on our front doorstep.
26/05/14		yes	yes	no	no	Recorded music being played on an outdoor speaker above the entrance to the pub. Started at 19.00 and continued until approx. 21.30. Pete went to

						discuss it with the landlady who had no copy of the license and didn't know what the terms and conditions were. She said the speaker was linked to the music inside and could not turn it off.

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: On Behalf of South Street Residents Association (24 members) Anna Falcini – Secretary & Peter Falcini – Members of the SSRA	Contact Telephone No. [REDACTED]
Address: 16 South Street Leominster Herefordshire HR6 8JB	E-mail address: [REDACTED] Please state your interest in the premises you are making a representation about: eg local resident/local business Local Residents
Name & Address of premises you are making a representation about: The Royal Oak Hotel, South Street, Leominster, Herefordshire. HR6 8JA	

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 CCTV is in place to the recommendations and approval of the Licensing and Police Authorities. Sufficient measures are in place to prevent the Royal Oak continuing to be a crime hotspot? We propose the Challenge 25 scheme is used rather than Challenge 21. A limit on the events at the premises which involve live and recorded music
Public Safety Clear strategies in place to manage consumption of alcohol simultaneously in 5 areas of the building during busy periods with 2 security staff and with two front entrances/exits and one rear entrance/exit.
To Prevent Public Nuisance The issue of the outdoor speaker has not been addressed in the license application. We

recommend this is removed immediately.

At the review of the license on the 13/08/15, the police recommended that noise should not be audible to residents. This has been a continuous issue for residents and this has not been addressed in the application. We want measures in place to prevent noise issues for example; withdrawing music events from the license completely. If this is not acceptable then we would suggest conditions in the license to include closing the outside double door at all times during musical events, installing double glazing and reducing the number of events.

We would advocate that a noise limiter is put in place so that music noise levels cannot exceed an acceptable decibel level which has been implemented in other types of venues in the county.

Bands/ D.J.s are not positioned up against the front windows but are situated in areas where they will not cause noise issues.

A plan of action is in place to ensure that customers leave the premises promptly and with respect and without disturbing residents.

To Protect Children from Harm

Signed:
Date:



HEREFORDSHIRE
COUNCIL

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

**Representation Form – Interested Parties
Suggested Conditions**

Premise: The Royal Oak Hotel, Leominster
Your name: South Street Residents Association

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

We want to see the correct CCTV implemented and monitored to the standard of the police and licensing department. The premises had adequate opportunity to implement this leading up to their review in August and they failed to do this. The residents want to be reassured that this is going to be correctly implemented.

The SSRA are concerned that the incidents of crime coincide with the live and recorded music events at the weekends therefore we do not endorse the continuation of these events.

Public Safety

The SSRA want to be reassured that the all of the aspects of the building are correctly monitored and safe. Potentially there are five areas that need to be managed and these are stretched over different areas of the building. We have concerns about this and would like conditions in place to ensure this is going to address public safety.

Prevent Public Nuisance

Since the previous license was granted to the premises, the issue of noise from music events and guests leaving the premises has been a regular occurrence and has impacted considerably on some of the residents. Despite negotiations the premises have failed to resolve the issues and the current license application does not address this issue at all. This is disappointing. Whilst we want to support the business we are not prepared to do so at the detriment of the residents lives on an ongoing basis. We would like restrictions on music events, preferably to limit these to none or occasional events and for there to be some noise limiter in place, should the music events be included in this license. We have supplied additional notes as evidence of the impact upon residents.

Protect Children from Harm

Signed: Anna Falcini (Secretary of the SSRA)

Date: 29/09/15

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**

Hello Fred

There has been an error on the application form which should have been made in the name of my limited company with Charmaine as the proposed DPS.

If Charmaine emails you requesting this change would that enable you to process the application on that basis ?

Regards
Russell

Sent from my iPhone

> On 14 Oct 2015, at 1:07 p.m., Spriggs, Fred <fspriggs@herefordshire.gov.uk> wrote:

>

> Good afternoon Mr Stevens

> The premises licence which was in your company's name was revoked and therefore no longer exists.

> As the new premises licence application has been made in the name of Charmaine you no longer can play any part in the matter as you have no legally standing in respect of the premises licence.

>

> Best wishes

> Fred Spriggs

>

> -----Original Message-----

> From: Russell Stevens [<mailto:russell@classiccountryhouses.com>]

> Sent: 14 October 2015 12:20

> To: Licensing; Spriggs, Fred; James Mooney

> Cc: Royal Oak HR6; James Brinton

> Subject: The Royal Oak Hotel Leominster

>

> Hi All

>

> I understand that the police are now happy with all aspects of the new premises license application provided we accept the special conditions that they are seeking to impose.

>

> As the director of the limited company that holds the premises license I am happy with the conditions imposed with the exception of the objection to Charmaine Brooke becoming the DPS. I understand that Charmaine has been unable to resolve this with Jim Mooney and as a result this matter will have to be dealt with at a committee meeting and I would be grateful if you could please arrange a date for this.

>

> I look forward to hearing from you.

>

> Regards

> Russell Stevens

>

>

>

> Sent from my iPad

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

Good afternoon Fred

Thank you for the e-mail regarding my application for the premises licence for The Royal Oak Hotel Leominster, I still wish to carry on with the application in my name under no circumstances am I withdrawing my application for the premises licence.

Please can you confirm when and if an hearing date as been set over my application for The Royal Oak Hotel Leominster.

Many thanks

Charmain

Sent from my iPhone

On 15 Oct 2015, at 11:09, Spriggs, Fred <fspriggs@herefordshire.gov.uk> wrote:

Good morning Charmaine

I have had some correspondence from Russell concerning your application for the premises licence at the Royal Oak.

It is your application and therefore any change to the application has to be at your request. However I must tell you that it is not an option to change the name on the application.

If you wish to withdraw the application then you can do that but it will require a new application to be made and the process will re-start if a licence is to be granted.

Please let me know what you want to do.

Thanks

Fred Spriggs

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

HEREFORDSHIRE COUNCIL

**REGULATORY-SUB COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Royal Oak
PREMISES LICENCE HOLDER	Charmain Rhoda Brooke
APPLICANT'S NAME	Charmain Rhoda Brooke
APPLICATION TYPE	Premises Licence
PANEL MEMBERS	Councillor DW Greenow (Chairman) Councillor BA Durkin Councillor PJ McCaull
DATE OF MEETING	30 October 2015

Members of the Council's Regulatory Sub Committee considered the above application, full details of which appeared before the Members in their agenda.

Prior to making their decision the Members heard from Mr Fred Spriggs, Licensing Officer for Herefordshire Council, Ms Charmaine Brookes, the applicant, Inspector Nick Semper, West Mercia Police, Mr Ian Vaughan, a local shop owner, Mr Helder Pinto, door supervisor at the Royal Oak, Mr Russell Stevens, owner of the Royal Oak, and Mrs Anna Falcini, Secretary of the South Street Residents Association.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003, the Guidance Issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy.

DECISION

This Regulatory Sub-Committee has heard an application for a new Premises licence made in respect of the Royal Oak Hotel Leominster.

It has referred and given weight to the appropriate statutory provision, best practice and evidence put before it by all parties.

The Hearing today relied upon the Licensing Act 2003 (Hearings) Regulations 2005. Our Legal Adviser has referred the Committee particularly to certain paragraphs of these Regulations which the Committee duly considered and followed in its decisions concerning what evidence to admit, who it would hear and in what capacity and how the proceedings should generally be conducted.

HEREFORDSHIRE COUNCIL**REGULATORY-SUB COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

Our clerk has kept a clear note which documents the committee has relied on in addition to the appendices listed in paragraph 15 of the report before us.

The Committee is invited to consider;

- Whether to grant a new premises licence and if so with what conditions;
- Whether, in the event of it granting such a licence, it can accept Ms Charmaine Brookes as its designated premises supervisor.

The Committee has made the following decisions for the reasons which will be subsequently given:-

These decisions are made in accordance with the duty placed upon us to safeguard the four Licensing Objectives in general and in particular the protection of Public Safety and prevention of Crime and Disorder objectives to which we have specifically been referred:-

1. For reasons which will be explained the Committee adjourns this application in the public interest to the 14 of December 2015 at 11:00am. preceded by a site visit at 09:30am
2. The Committee requires a site visit in order that it may particularly consider whether it may consider granting a licence to all those parts of the licensed premises as requested or only some of them. The Committee noted carefully the points made by the South Street Residents Association and wishes to look into the matter further.
3. The Committee is considering granting a premises licence but only:
 - a) If the Fire Safety Improvement Notice presently affecting the Premises is removed;
 - b) A rated and signed Commission Certificate relating to the installation of CCTV camera and supporting equipment in respect of the premises is in force.
 - c) Evidence of both of the above are provided to the Committee.

Note: It is not sufficient for Fire Safety matters to have been completed for the licenced premises only – the safety of persons using them is dependent on the whole premises being appropriately protected.

HEREFORDSHIRE COUNCIL**REGULATORY-SUB COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

The matter of the appointment of Ms Brookes as the designated premises supervisor is adjourned to the next meeting, by which time the Committee wishes to see the appropriate qualifications as advised by the Licensing Officer. The Committee is satisfied that it receives sufficient evidence concerning Ms Brookes for it to make a decision.

