

AGENDA

Regulatory Sub Committee

Date: **Friday 18 March 2016**

Time: **11.00 am**

Place: **Old Council Chamber, 2nd Floor, Hereford Town Hall,
St Owens Street Hereford HR1 2PJ**

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

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

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor CR Butler
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 THE 'QUEENS HEAD, 51 BRIDGE STREET, KINGTON, HR5 3DW' - LICENSING ACT 2003 To consider an application for the variation of a premises licence in respect of the 'Queens Head, 51 Bridge Street, Kington, HR5 3DW'.	11 - 36

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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

COUNCIL CHAMBERS, 2ND FLOOR, HEREFORD TOWN HALL, ST OWENS STREET HEREFORD HR1 2PJ

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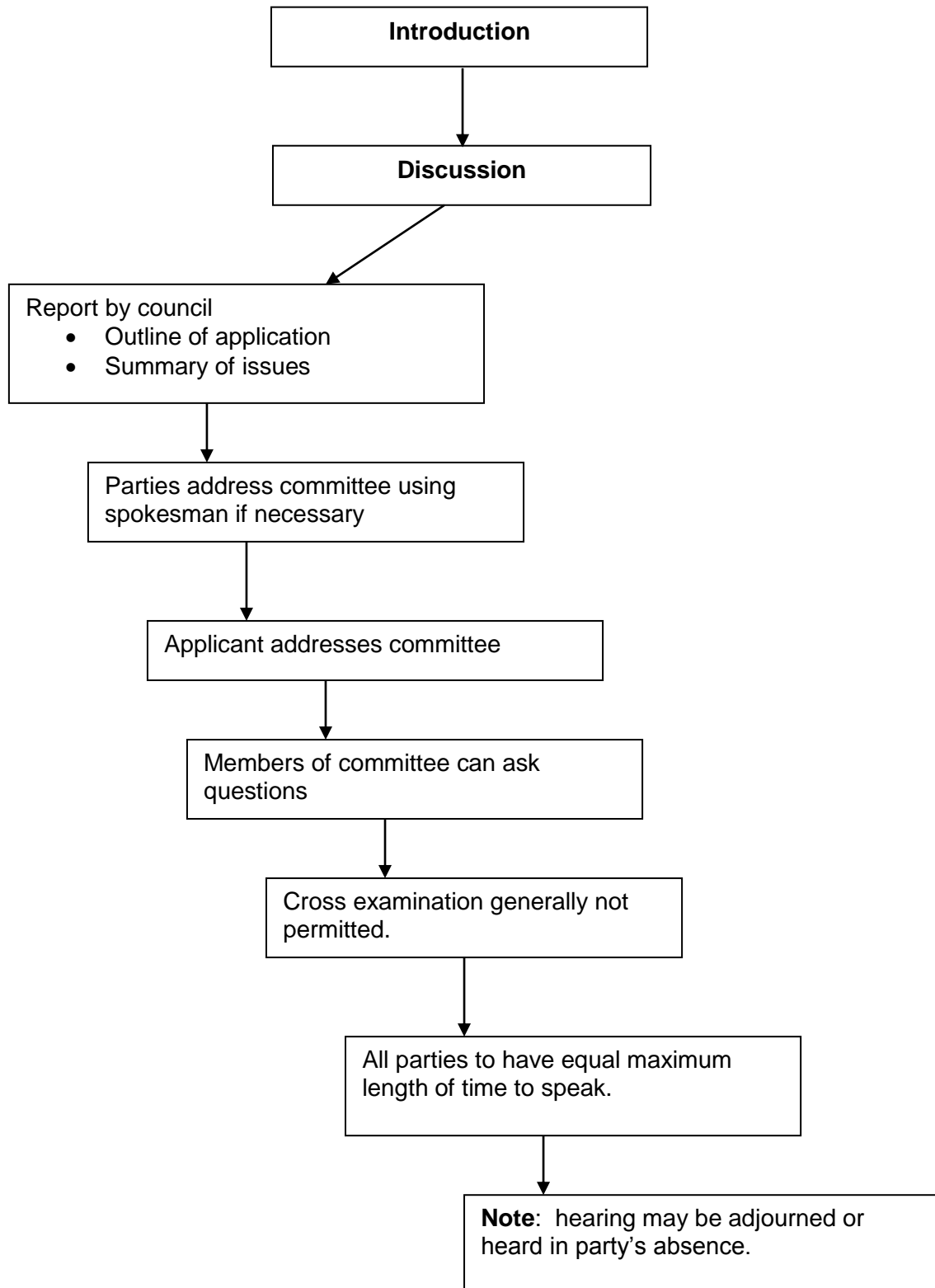
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Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	18th March 2016
Title of report:	APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE 'QUEENS HEAD, 51 BRIDGE STREET, KINGTON, HR5 3DW' – LICENSING ACT 2003
Report by:	FRED SPRIGGS - LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Kington

Purpose

To consider an application for the variation of a premises licence in respect of the 'Queens Head, 51 Bridge Street, Kington, HR5 3DW'.

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.

Summary of Application

- 4. The details of the application are:

Applicant	Neil Morris 'Queens Head, 51 Bridge Street, Kington, HR5 3DW'.	
Solicitor	N/K	
Type of application: Variation	Date received: 26th January 2016	28 Days consultation ended 23rd February 2016

- 5 The application requests that:

Live Music, Recorded Music,	12:00 – 01:00	All days
Supply of Alcohol	12:00 – 01:00	Monday to Friday
	11:00 – 01:00	Friday & Saturday

Non Standard Timings: End of permitted hours on New Years Eve until the start of permit hours on New Years Day.

Current Licence

- 6.

Live music, Recorded music;	11:00 – 23:30	All days
Sale by retail of alcohol	11:00 - 00:00	Monday to Friday
	11:00 - 00:30	Saturday & Sunday

Non Standard timings: End of permitted hours on New Years Eve until the start of permit hours on New Years Day.

Summary of Representations

7. Representations have been made by:
One (1) member of the public (A copy of the representation can be found within the background papers at Appendix b).
Two (2) from Responsible Authorities (Trading Standards & Licensing Authority) – these have been agreed and accepted by the applicant [a summary of the agreed conditions can be found within the background papers at Appendix c].
8. The matter is therefore brought before Committee for determination.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

12. 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

13. 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

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

Consultees

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

Appendices

- a. Application Form
- b. Public Representation
- c. Conditions (either offered or agreed) to be placed on licence

Background Papers

None.

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

queens variation

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

neil

* Family name

morris

* E-mail

Main telephone number

01544340812

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☐ Yes ☒ No

* Is your business registered outside the UK?

☐ Yes ☒ No

* Business name

If your business is registered, use its registered name.

* VAT number

-

Put "none" if you are not registered for VAT.

* Legal status

Please select...

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

Section 3 of 17

VARIATION

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

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

The property is a detached 2 storey public house, situated in Bridge Street, where there are a mix of commercial and residential properties.

This application seeks to extended hours for licensable activities for all days of the week until 0100hrs, to put in place non standard hours and to remove existing conditions and replace with new, that are proportionate to the type of operation

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if
this application to vary is successful?

Continued from previous page...

☐ Yes

☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Occasional bands and discos. The music will be amplified but will be controlled and kept to a reasonable level.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

New Years Eve - all regulated entertainment to end at 0100hrs

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve from the end of normal licensable hours on New Years Eve until the commencement of licensable hours on New Years Day

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Duke Box & Sky TV

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve from the end of normal licensable hours on New Years Eve until the commencement of licensable hours on New Years Day

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PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve from the end of normal licensable hours on New Years Eve until the commencement of licensable hours on New Years Day

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

Continued from previous page...

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve from the end of normal licensable hours on New Years Eve until the commencement of licensable hours on

Continued from previous page...

New Years Day

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

A terminal hour for all musical entertainment of 23.30 on any day.

Provision of a last entry time of 23.30 hours on any day

A terminal hour for opening and all licensable activities unless otherwise stated of 00.30 hours Sunday to Thursday and 1.00 hours Friday and Saturday.

Background recorded music only.

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Staff training

Signage

Noise management

b) The prevention of crime and disorder

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

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

2. 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 twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand

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3. The premises licence holder will employ Security Industry Authority door staff on a risk assessed basis
4. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.
5. No open containers containing alcohol will be removed from the premises.

c) Public safety

1. External lighting will be provided within the vicinity of the premises and will be used at times when lighting and visibility is deemed low/poor.
2. A system shall be in place which is capable of showing the number of persons on the premises at any one time when regulated entertainment takes place. 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.
3. 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
4. Electrical & Gas Installations

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.
5. All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
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.

Lighting

7. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.

d) The prevention of public nuisance

1. All windows will be kept shut after 2330hrs hours.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

Continued from previous page...

3. 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.
4. Live or Recorded music shall be restricted to the area marked on the premises plan
5. No external licensable areas will be used for licensable activities after 2330hrs. Customers are allowed to use the rear beer garden' for smoking purposes only and the premises licence holder/DPS will ensure that no persons will loiter in this area.
6. '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.
7. Regulated entertainment will conclude at 0030hrs on all days with the exception of 0100hrs on New Years Eve.

e) The protection of children from harm

1. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 18 or over (save for a person employed at the premises or the child or the Premises Licence Holder or DPS)
2. 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
3. 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).

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

Continued from previous page...

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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**

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

MR NEIL REX MORRIS re THE QUEEN'S HEAD
51 BRIDGE STREET
KINGTON, HEREFORDSHIRE HR5 3DW.

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 AM EXTREMELY CONCERNED AS TO THE PUBLIC NUISANCE THAT THE APPLICATION TO GRANT EXTENDED LICENSING HOURS FOR THE PROVISION OF LIVE AND RECORDED MUSIC ALONG WITH THE SUPPLY OF ALCOHOL TO 01-00 AM SEVEN DAYS A WEEK WILL CAUSE TO A HIGHLY RESIDENTIAL AREA. FURTHER INFO ATTACHED.

To Protect Children from Harm

Date: 23/02/2016

ELI REPRE – 1 Representation Form – Interested Parties

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

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CONTINUATION OF REPRESENTATION FORM – INTERESTED PARTIES

Representation – To Prevent Public Nuisance:

I am a local resident [REDACTED]

After being closed for a number of years, The Queens Head opened again for trading during May 2015. There has already been an initial problem with noise nuisance when the Queens Head first re-opened in May 2015 which gave rise to many complaints from the private residents in the area.

When the Queens Head was previously open and trading, there was an ongoing noise problem with regard to both customers and music. In particular, music was played at high volumes [REDACTED]

show consideration to the surrounding neighbours and the volume (along with the customers own noise levels) to be reduced. Very often, any reduction in volume was only temporary and was soon increased the same evening. The Queens Head was owned by the same person then as is making the licensing application now, namely Mr N R Morris.

In addition to unacceptable noise levels, drunken and foul language was often heard and experienced from certain customers leaving the public house. Whilst I can accept that such occurrences may be likely at a weekend, I cannot accept that this level of disruption should be tolerated by local residents for seven days a week which will adversely affect the wellbeing and day to day lives of fellow residents.

The smoking area of the public house backs onto an area that is next to a residents' property and is not enclosed or segregated in any way. Unacceptably high noise levels can therefore presently be heard in this area immediately surrounding the public house.

It is my opinion that on both present and past experience, the increase in licencing hours to 01.00am for seven days a week will result in a recurrence of the public nuisance and disorder that has previously been experienced and is wholly inappropriate to the area in which the public house is situated.



Representation Form – Interested Parties

Suggested Conditions

Premise: THE QUEENS HEAD KINGSTON 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

RATHER THAN AGREEING TO THE LICENCING REQUEST TO EXTEND THE LICENCING HOURS TO 01-00 AM FOR SEVEN DAYS A WEEK, I WOULD SUGGEST THE LICENCING HOURS SHOULD ONLY RUN TO 23-00 HOURS ON THE DAYS OF SUNDAY / MONDAY / TUESDAY / WEDNESDAY / THURSDAY.

Protect Children from Harm

Signed: [REDACTED]

Date: 23/02/2016

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

Conditions (either offered or agreed) to be placed on licence

Prevention of Crime

1. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police or an authorised officer of the SIA.
2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will 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 refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
3. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course approved by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
4. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.
5. No open containers containing alcohol will be removed from the premises.
6. 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.

Public Safety

7. External lighting will be provided within the vicinity of the premises and will be used at times when lighting and visibility is deemed low/poor.
8. A system shall be in place which is capable of showing the number of persons on the premises at any one time when regulated entertainment takes place. 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.
9. A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

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

10. Electrical & Gas Installations

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.

11. All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
12. 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.

13. Lighting

In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.

Public Nuisance

14. All windows will be kept shut after 2330hrs hours.
15. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

16. 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.
17. Live or Recorded music shall be restricted to the area marked on the premises plan
18. No external licensable areas will be used for licensable activities after 2330hrs. Customers are allowed to use the rear beer garden' for smoking purposes only and the premises licence holder/DPS will ensure that no persons will loiter in this area.
19. '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.
20. Regulated entertainment will conclude at 0030hrs on all days with the exception of 0100hrs on New Years Eve.

Protection of Children

21. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 18 or over (save for a person employed at the premises or the child or the Premises Licence Holder or DPS)
22. 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
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).

