

Agenda

Licensing sub-committee

Date: **Friday 11 January 2019**

Time: **10.00 am**

Place: **Council Chamber, 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:

Caroline Marshall, Governance Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor DW Greenow
Councillor KS Guthrie
Councillor J Hardwick

Agenda

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'DROVERS REST, LLANERCH-Y-COED, DORSTONE , HR3 6AG - LICENSING ACT 2003	11 - 62
To consider an application for a variation of a premises licence for in respect of Drovers Rest, Llanerch-y-Coed, Dorstone, HR3 6AG.	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

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

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

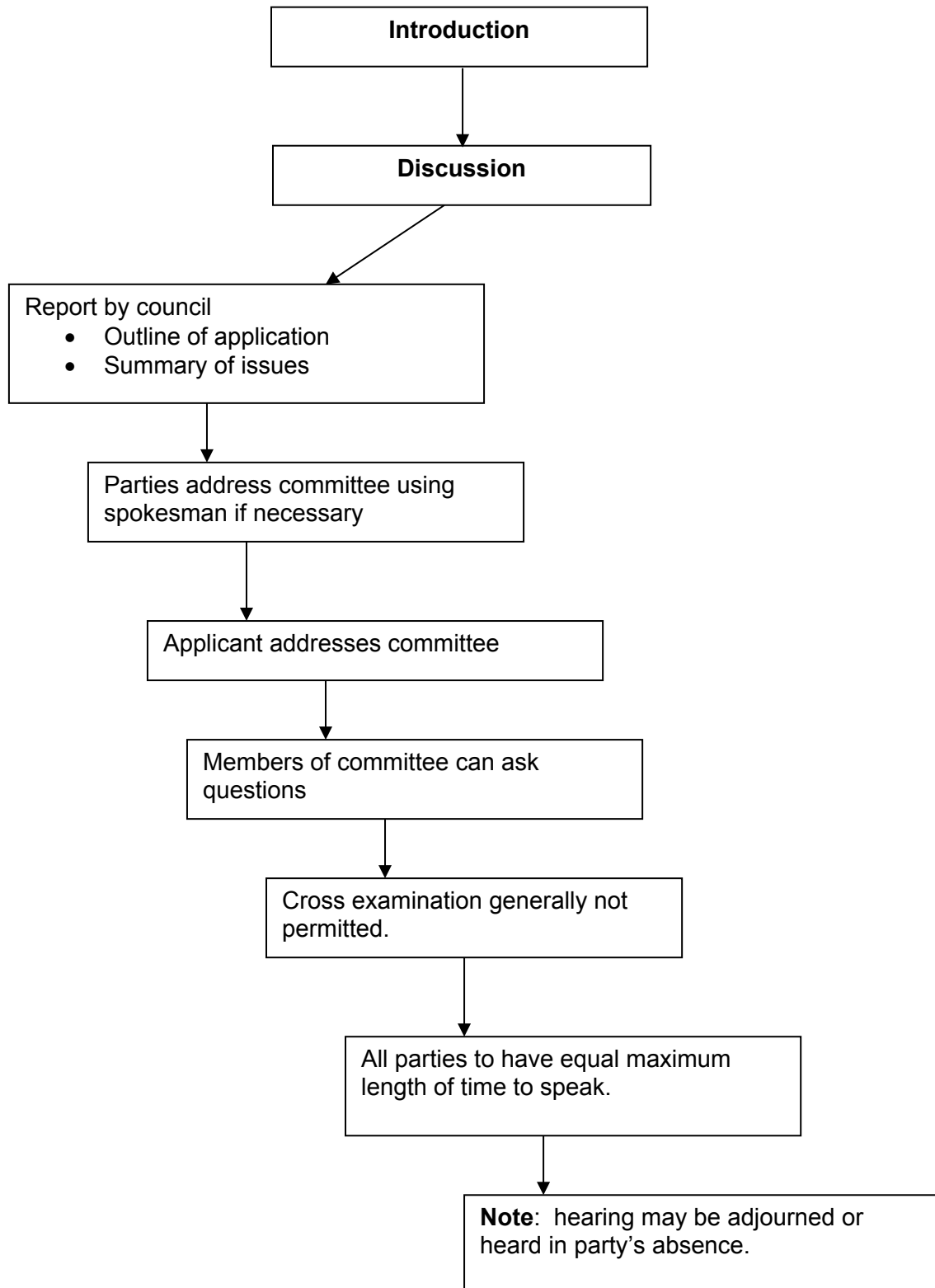
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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

Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	Friday 11 January 2019
Title of report:	Application for a variation of a premises licence in respect of 'Drovers Rest, Llanerch-y-Coed, Dorstone , HR3 6AG' – Licensing Act 2003.
Report by:	Licensing officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Golden Valley North

Purpose

To consider an application for a variation of a premises licence for in respect of Drovers Rest, Llanerch-y-Coed, Dorstone, HR3 6AG.

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,
 - b) Grant the licence subject to modified conditions to that of the operating schedule where the sub 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.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

3. The application for a variation to a premises licence has received relevant representation and is brought before the sub committee for determination.
4. This matter appeared before the committee on Wednesday 5 December 2018 when the matter was adjourned until today's date at the request of the applicant.
5. The details of the application are:

Applicant	Paul & Kesri Smolas Drovers Rest, Llanerch-y-Coed, Dorstone, HR3 6AG	
Solicitor	N/A	
Type of application: Variation	Date received: 25 May 2018	28 Days consultation ended 22 June 2018

Summary of Application

6. The application (appendix 1) requests to vary premise to include:

Live & Recorded Music and Sale/Supply of Alcohol

All days Midday – 0100

Late Night refreshment

All days 2300 – 0100

Remove the existing seasonal restriction

Current Licence

7. A copy of the current licence is attached at Appendix 2. It authorises:

Recorded Music

Monday – Sunday 18:30 – 23:30

Sale/Supply of Alcohol

Monday – Sunday 12:00 – 23:30

Which only has effect between Easter to End of October annually

Summary of Representations

8. One (1) representation has been received from the responsible authorities (environmental health) which has been agreed and can be found at Appendix 3.
9. Four (4) further representations have been received. Two (2) from parish councils and two (2) from residents and can be found at appendices 4, 5, 6 and 7). The representations made are relevant to prevent public nuisance and protect children from harm.
10. The applicant has provided supporting information in connection with the application which can be found at appendix 8.

Community Impact

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

Equality duty

12. There are no equality issues in relation to the content of this report.
13. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
14. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

16. As relevant representations have been received, the sub committee must determine this application in accordance with section 3.5.7 (e) of the Herefordshire Council constitution. The relevant representations are representations which relate to the likely effect of the grant of the application on the promotion of the licensing objectives. In determining the application, the sub committee must consider whether the granting of the variation would have the effect of promoting or damaging the licensing objectives.
17. The four licensing objectives are the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
18. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
19. 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
20. 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.
21. 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.
22. 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'.

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

Right of Appeal

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

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

25. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

Risk Management

26. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

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

Appendices

Appendix 1 - Application Form

Appendix 2 - Current Licence

Appendix 3 - Representation from Environmental Health

Appendix 4 - Parish council representation

Appendix 5 - Parish council representation

Appendix 6 - Public representation

Appendix 7 - Public representation

Appendix 8 - Supporting documents submitted by the applicant.

Background Papers

None.



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Paul & Kesri Smolas

(Insert name(s) of applicant)

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

Premises licence number PR01696

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Drovers Rest LLanerch-Y-Coed Dorstone			
Post town	Herefordshire	Postcode	HR3 6AG

Telephone number at premises (if any)	01497 831215
Non-domestic rateable value of premises	£8,000

Part 2 – Applicant details

Daytime contact telephone number	01497 831215		
E-mail address (optional)	holidays@droversrest.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add Live Music (Indoors/Outdoors)

To Add Late Night Refreshment (Indoors/Outdoors)

To Vary the licensed times for Recorded Music & Sale/Supply of Alcohol

To remove the restriction for Easter to Oct on opening times

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>																							
				Outdoors	<input type="checkbox"/>																							
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Both
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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)																									
			<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 7)																									

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day Start Finish				Both	<input checked="" type="checkbox"/>
Mon	12:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	12:00	01:00			
Wed	12:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	12:00	01:00			
Fri	12:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	12:00	01:00			
Sun	12:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input checked="" type="checkbox"/>
Mon	12:00	01:00		<u>Please give further details here</u> (please read guidance note 5)	
Tue	12:00	01:00			
Wed	12:00	01:00		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)	
Thur	12:00	01:00			
Fri	12:00	01:00		<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 7)	
Sat	12:00	01:00			
Sun	12:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	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 6)					
Mon	12:00	01:00						
Tue	12:00	01:00						
Wed	12:00	01:00						
Thur	12:00	01:00				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 7)		
Fri	12:00	01:00						
Sat	12:00	01:00						
Sun	12:00	01:00						

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>N/A</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	01:00	
Tue	08:00	01:00	
Wed	08:00	01:00	
Thur	08:00	01:00	
Fri	08:00	01:00	
Sat	08:00	01:00	
Sun	08:00	01:00	
			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 7)

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Submitted with application to Vary DPS

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per licence

b) The prevention of crime and disorder

As per licence

c) Public safety

As per licence

d) The prevention of public nuisance

As per licence

e) The protection of children from harm

As per licence

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; - £190.00
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17.10.2018
Capacity	Paul Smolas - Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17.10.18
Capacity	Kesri Smolas - owner

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

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

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**LICENSING ACT 2003
Part A - Premises Licence****Premises licence number - PR01696 (Grant of Premise Licence)****Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Drovers Rest
Llanerch Y Coed
Dorstone
Herefordshire
HR3 6AG**

Telephone number:

Where the licence is time limited the dates:

Easter to End of October annually

Licensable activities authorised by the licence

**Recorded Music (Indoors)
Sale/Supply of Alcohol (for consumption on the premises)**

The times the licence authorises the carrying out of licensable activities

**Recorded Music
Monday – Sunday 18:30 – 23:30****Sale/Supply of Alcohol
Monday – Sunday 12:00 – 23:30**

The opening hours of the premises

Easter to End of October annually

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

For consumption on the premises

Part 2

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

**Paul & Kesri Smolas
Llanerch Y Coed
Dorstone
Herefordshire
HR3 6AG**

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

Not Applicable

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

NO DPS

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

**Licence Number – AWAITING PERSONAL LICENCE
Issuing Authority –**

Annex 1 - Mandatory conditions

Irresponsible Drinks Promotions

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone,

Appendix 2

- encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Drinking Water

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
- (b) an ultraviolet feature.

Small Measures

4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Below Cost Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Mandatory conditions where licence authorises supply of alcohol

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

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

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

Door supervision

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

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

Prevention of Crime and Disorder

All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Public Safety

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

Prevention of Public Nuisance

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.

'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'.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the

premises and the area quietly.

Protection of Children from Harm

Each and every sale of alcohol must be made in person by a member of staff of the premises.

All alcohol sales to be made a personal licence holder

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.

A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

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).

**Annex 3 - Conditions attached after a hearing by the licensing authority
Not applicable**

**Annex 4 - Plans
As attached – 04.09.2015**

**LICENSING ACT 2003
Part B - Premises licence summary****Premises licence number - PR01696 (Grant of Premise Licence)****Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Drovers Rest
Llanerch Y Coed
Dorstone
Herefordshire
HR3 6AG**

Telephone number:

Where the licence is time limited the dates:

Easter to End of October annually

Licensable activities authorised by the licence

**Recorded Music (Indoors)
Sale/Supply of Alcohol (for consumption on the premises)**

The times the licence authorises the carrying out of licensable activities

**Recorded Music
Monday – Sunday 18:30 – 23:30****Sale/Supply of Alcohol
Monday – Sunday 12:00 – 23:30**

The opening hours of the premises

Easter to End of October annually

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

For consumption on the premises**Part 2**

Appendix 2

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

**Paul & Kesri Smolas
Llanerch Y Coed
Dorstone
Herefordshire
HR3 6AG**

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

Not Applicable

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

NO DPS

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

The premises shall operate a Challenge 25 Policy

No adult entertainment or services or activities must take place at the premises

MEMORANDUM

To : LICENSING OFFICER

From : Josie Warren-McCauley

Tel : 01432 260158 My Ref : JWM/268448/PR01696

Date : 13th November 2018 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
Drovers Rest Llanerch Y Coed, Dorstone, Hereford, Herefordshire, HR3 6AG**

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE <ul style="list-style-type: none"> • Noise or vibration shall not emanate from the premises so as to cause a nuisance. • Live or recorded music shall be restricted to the area marked on the premises plan. • No live or recorded music in any outside area after 23.30hrs. • All external doors (to the public areas) shall be kept closed after 23:30hrs except during immediate access and egress. • All windows at the premises shall be kept closed after 23:30hrs. • Loudspeakers or PA systems shall not be used in association with any regulated event. • Within 21 days of date of issue of this licence a Noise Management Plan will be submitted to and approved in writing by the Environmental Protection Team. • Regulated activities will then take place in accordance with an approved Noise Management Plan. 	
PROTECTION OF CHILDREN FROM HARM	

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

**JOSIE WARREN-MCCAULEY
TECHNICAL OFFICER
HEREFORDSHIRE COUNCIL**

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,
Herefordshire Council,
8 St Owen Street,
Hereford,
HR1 2PJ
licensing@herefordshire.gov.uk

Your Name: Clifford Parish Council	Contact Telephone No [REDACTED]
[REDACTED]	E-mail address: [REDACTED]
[REDACTED]	Please state your interest in the premises you are making a representation about: Clerk Clifford Parish Council
Name & Address of premises you are making a representation about: Llanerch y coad, Clifford HR3 6AG	

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 There is concern that to increase the times and extend into the winter months would bring increased traffic on single track roads which are "c" roads therefore not part of the council gritting in winter, without streetlights and public safety would be an issue for roads users.
To Prevent Public Nuisance As Clerk to Clifford Parish Council The Parish Council have received many complaints from neighbours for noise, and disturbance from "Drovers Rest" the site is adjacent to Little Mountain an area of outstanding beauty which draws many walkers to enjoy the local walks, wildflowers and countryside, increase in licensing hours would disturb neighbours and would be a negative experience for visitors.
To Protect Children from Harm The sale of alcohol is operated and advertised trip advisor as an honesty bar, the licence indicates sale of alcohol must be made in person by a member of staff of the premises.

Signed:
Date:



If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

Representation Form – Interested Parties Suggested Conditions

Premise: _____ **Your name:** _____

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

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

To Prevent Crime and Disorder
Public Safety
Prevent Public Nuisance
Protect Children from Harm

Signed:

If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

Date:

MEMORANDUM

To : **LICENSING OFFICER**

From : **Dorstone Parish Council**

Tel : **xxxxxxx** My Ref :

Date : **14th November 2018** Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
PERSONALISED GOODIES**

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY Dorstone Parish Council are concerned that granting this variation would increase traffic on local roads which are single tracked in places.	
PREVENTION OF PUBLIC NUISANCE Dorstone Parish Council are concerned about the noise from the live music, both indoors & outdoors, during antisocial hours affecting neighbours.	
PROTECTION OF CHILDREN FROM HARM Dorstone Parish Council are concerned about the supervision of the sale of alcohol. The licence indicates sale of alcohol must be made in person by a member of staff of the premises, Tripadvisor and the applicants own website indicates a honesty bar is currently available	

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

OFFICER Christopher Hendy
POSITION Clerk to the Dorstone Parish Council
AUTHORITY Dorstone Parish Council

From: [Bette Smith](#)
To: [Licensing](#)
Subject: RE:- regarding Llanerchycoed Music and Alcohol License Mon-Sun in and outdoors
Date: 14 November 2018 10:45:25

Dear Sir,

We wish to add our objection to the above. Horrified such a license would even be considered. Are unaware that Mr and Mrs Smolas had already been given a license to 11pm.

The loud "music" that we already hear is very disturbing and upsetting particularly to the stock, and is an unsuitable site being next to Little Mountain Nature Reserve.

Kind Regards.....

Bette and Joli Smith

Sent from my iPad

Please return this form, and any additional information within the statutory period to:
**The Licensing Section,
 Herefordshire Council,
 8 St Owen Street,
 Hereford,
 HR1 2PJ**
 licensing@herefordshire.gov.uk

**HEREFORDSHIRE COUNCIL
 Licensing Act 2003**

REPRESENTATION FORM – INTERESTED PARTIES

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

When completing this form please print clearly and legibly.

Will Bullough	
	Local resident, Parish councillor , Trustee of Herefordshire Wildlife Trust

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

The existing permissions at this “Drovers Rest” site already cause considerable noise and disturbance to neighbours. Complaints have been routine including to Councillor Phillip Price . In addition the adjacent Little Mountain common land is an important area for wildlife and for the public to enjoy peace and quiet. The Herefordshire Wildlife Trust is currently in discussions with Hereford Council about taking the area over as an important nature reserve.

Any permission to allow an increase in licensing hours with associated loud outside music would be a tragic error and deeply disrespectful to the many people who live in and enjoy the area

To Protect Children from Harm



**Representation Form – Interested Parties
Suggested Conditions**

Premise: __Drovers Rest , Llanerch y coed_____ **Your name:** _Will Bullough_____

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

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

To Prevent Crime and Disorder

Public Safety

Prevent Public Nuisance

**The existing permissions for this site are perfectly adequate to for their business , in addition there is evidence that they are regularly disregarded.
There should be no further extension of permissions at all for this business.**

Protect Children from Harm

Signed:W.Bullough

Date:14/11/18

If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

Information from applicant

Link to parish council minutes: <http://cliffordparishcouncil.co.uk/parish-council-minutes/>

From: holidays@droversrest

Sent: 02 December 2018 13:58

To: Spriggs, Fred

Subject: Drovers Rest, LLanerch-y-coed variation

Hi Fred

Please find Parish Minutes attached. These show, In the 4 years we have run the bar and played music, there have been no records of any complaints in the parish minutes. Also noted in the Parish minutes, Llanerch-y-coed farm is mentioned regarding planning and enforcement matters on almost half of the minutes in the last 4 years, yet there isn't even a mention of the meeting which indicates the parish actually met about this variation.

I should also highlight, Hereford council have never received any reports of any problems at Llanerch-y-coed. The 1st we were made aware of any complaints was in the Parish objection and Will Billough's objection (Vice Chair of Clifford Parish)

I will forward Pictures of the barn in a separate email.

Regards

Paul

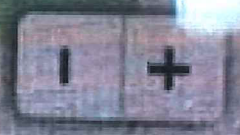


Paul Smolas

www.droversrest.co.uk

www.instagram.com/droversrest/

www.facebook.com/droversrest.farmholidays/



Newhouse Wood

The Old Man

Oldwood Cottage

Little Mountain

Pen-Y-llan

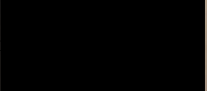
The Nest

Llanerch-Y-Coed

1 mile

Building Regulations
Plan Number:

151522

1	Details of work Description: Barn conversion
2	Location of building to which work relates Address: Llanerch Y Coed, Dorstone, Hay on Wye, HR3 6AG
3	Deposit of particulars A Full Plans/Building Notice was deposited under the Building Regulations made under Section 1(3) of the Building Act 1984 on: 3 March 2015
4	Inspection date Date on which inspection was made: 20 October 2015
5	Compliance with Building Regulation 2010 <i>This certificate, which is given in accordance with Regulation 17, shall be considered as evidence (but not conclusive evidence) that, insofar as the authority has been able to ascertain, the work described in the certificate are in compliance with the requirements of the Building Regulations.</i>
6	Limitation of Certificate This Certificate relates only to the work described in 1 above and not any extension or alteration or installation of works and fittings to which the regulations did not on this occasion apply, e.g. to the existing building not affected by the works as described.
	Signature:  Date: 20 October 2015
	Nick Ford Building Control Manager

Bc052 - BCE

Note: This certificate relates only to the work described above. This certificate does not relate to any work carried out to which the regulations did not apply on this occasion or work carried out and independently certified under the Competent Persons Scheme. On request, a list of all inspections carried out by us can be provided.

