

Agenda

Licensing sub-committee

Date: **Friday 30 August 2019**

Time: **10.00 am**

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

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

For any further information please contact:

Caroline Marshall, Democratic 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, Democratic 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 Alan Seldon
Councillor Polly Andrews
Councillor Toni Fagan

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. REVIEW OF A PREMISES LICENCE IN RESPECT OF: 'RNCB, THE POINT 4 AND GARDNER HALL, VENNS LANE, HEREFORD. HR1 1DT CALLED BY HEREFORDSHIRE COUNCIL AS THE LICENSING AUTHORITY' - LICENSING ACT 2003 To consider an application for a review of a premises licence in respect of: 'RNCB, The Point 4 & Gardner Hall, Venns Lane, Hereford. HR1 1DT called by Herefordshire Council as the Licensing Authority. | 11 - 44 |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
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HEREFORDSHIRE COUNCIL

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

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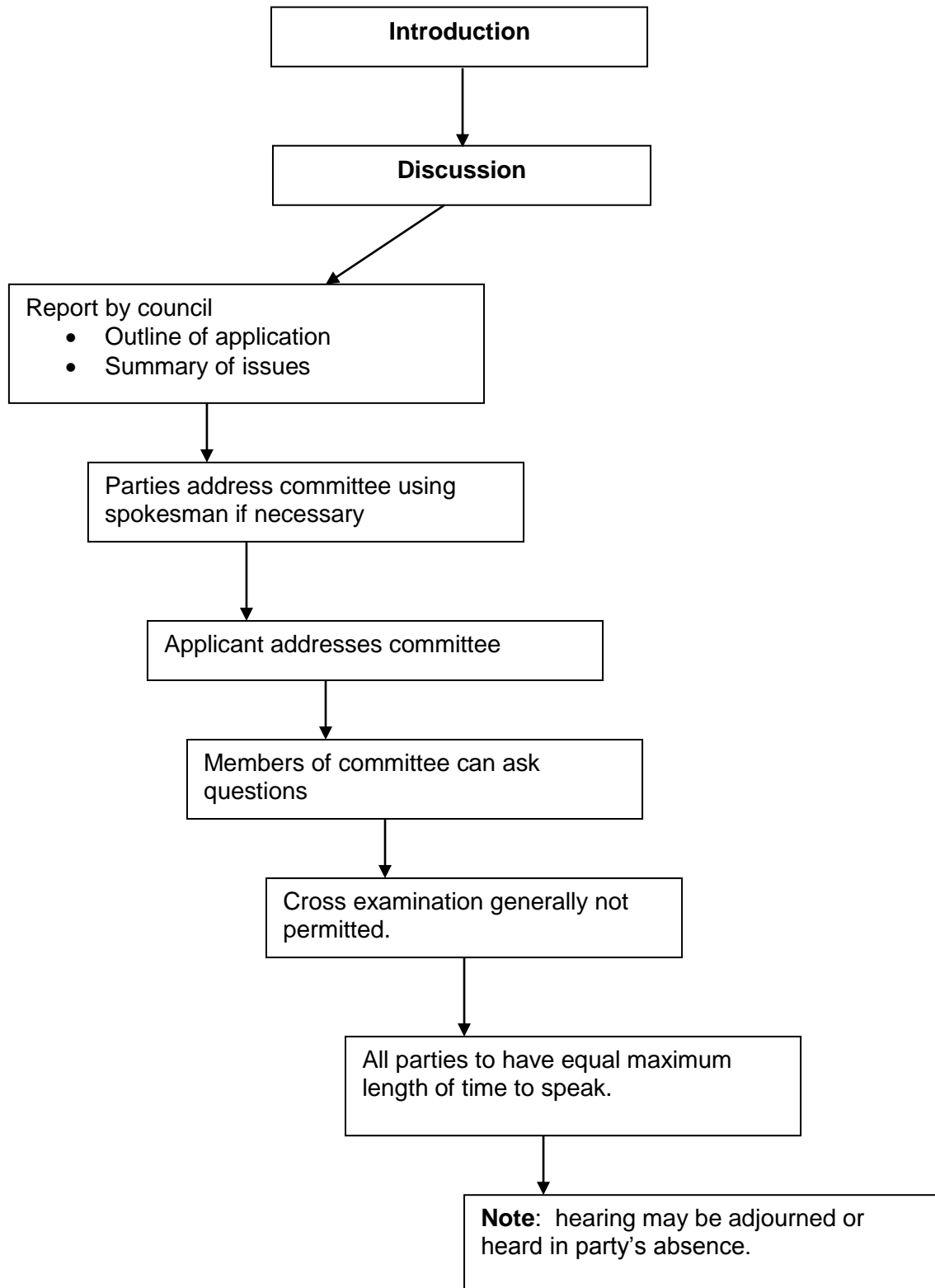
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Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

Licensing Hearing Flowchart





| | |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting: | Licensing sub committee |
| Meeting date: | 30 August 2019 |
| Title of report: | Review of a premises licence in respect of: 'RNCB, The Point 4 and Gardner Hall, Venns Lane, Hereford. HR1 1DT called by Herefordshire Council as the Licensing Authority' - Licensing Act 2003 |
| Report by: | Licensing Technical Officer |

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Holmer

Purpose

To consider an application for a review of a premises licence in respect of: 'RNCB, The Point 4 & Gardner Hall, Venns Lane, Hereford. HR1 1DT called by Herefordshire Council as the Licensing Authority.

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 Licensing Authority's application for the review,
- The guidance issued to local authorities under the Licensing Act 2003,
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy.

Further information on the subject of this report is available from
Emma Bowell – Licensing Technical Officer 01432 261761

Options

1. There are a number of options open to the committee in relation to the Review:
 - the modification of the conditions of the premises licence;
 - the exclusion of any licensable activities from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

Key Considerations

4. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
5.
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party
6. The details of the application are:

| | | |
|--------------------------------|--------------------------------------------------|---------------------------------------------|
| Applicant | Herefordshire Council as the Licensing Authority | |
| Agent | Not applicable | |
| Type of application: Review | Date received: 12 July 2019 | 28 Days consultation ended 8 August 2019 |

Summary of Application

7. The application for the review is attached (appendix 1)
8. Copies of the application were sent to the premise licence holder and responsible authorities.
9. In brief the Licensing Authority's grounds for the review are:
On the evening of Saturday 29th June 2019 the Out of Hours Noise team which included the principal licensing officer witnessed noise emanating for the premises [Gardner Hall] which constituted a statutory nuisance".

Premises History

10. The premises licence covers the buildings Point 4 and Gardner Hall and was granted in August 2011.
11. Since being licensed Gardner Hall has been subjected to noise complaints.
12. Within the review consultation period an application for a minor variation was received. The minor variation requests Gardner Hall to be de-licensed. On grant of the minor variation only Point4 will be subject to a premises licence.

Current Licence

13. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Plays; Films; Live Music; Recorded Music; Performance of Dance; Activity Like Music or Dance;

Monday - Sunday 09:00-24:00

Indoor Sporting Events

Monday - Sunday 08:30-23:30

Supply/Sale of Alcohol

Monday - Sunday 11:00-24:00

14. The licence is subject to a number of conditions.

Circumstances leading to the review

15. On Saturday 29th June 2019 the Principal Licensing Officer was part of the Out of Hours noise team together with an Environmental Health Officer. They received a number of complaints from residents of Admirals Close, Hereford. Admirals Close is to the south of Gardner Hall and in close proximity to the rear grounds of Gardner Hall.
16. The officers who attended could see that there was a function taking place and that the doors and windows to the rear of Gardner Hall were open. They could hear loud music coming from the premises [Gardner Hall] and also could hear people laughing and shouting. The terminal hour for Licensable Activities was midnight but the music continued to play. At 00:07 the DJ was heard to say OK just one more and proceeded to playing 'Sweet Caroline'. From their investigation both officers were satisfied that a Statutory Noise Nuisance took place and a Notice will be served concerning this in relation to this."
17. As a result this review was launched.

Summary of Representations

18. One (1) representation has been received from the responsible authorities (Trading Standards) and this has been agreed by the premises licence holder. The

Further information on the subject of this report is available from
Emma Bowell – Licensing Technical Officer 01432 261761

representation can be found at Appendix 3.

19. Four (4) public representations have been received and accepted by the Licensing Authority as being relevant (Appendix 4).
20. Two (2) further public representations were also received but deemed irrelevant so therefore were not accepted by the Licensing Authority

Community Impact

21. Any decision is unlikely to have any significant effect of the local community.

Equality duty

22. 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.
23. 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.
24. There are not considered to be any equalities implications arising from this report.

Financial implications

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

Legal Implications

26. The licensing authority must have regard to the promotion of the four licensing objectives namely; 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.
27. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
28. 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.
29. 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.

30. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
31. 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'.
32. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

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

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
 - (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
 - (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
 - (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).
34. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Risk Management

35. 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

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

Appendices

Appendix 1 - Application for the review of the premises licence

Appendix 2 - Current Premises Licence

Appendix 3 - Trading Standards Representations

Appendix 4 - Public representations

Background Papers

None



**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Herefordshire Council as the Licensing Authority.....

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---------------------------------------------------------------------------------------------|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Royal National College for the Blind The Point 4 and Gardner Hall Venns Lane | |
| Post town Hereford | Post code (if known) HR1 1DT |

| |
|------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Royal National College Enterprises Royal National College For The Blind College Road Hereford Herefordshire HR1 1EB |

| |
|---------------------------------------------------------------------------|
| Number of premises licence or club premises certificate (if known) |
| PR01499 |

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--------------------------------------------------------------------------------------------------------------------------------|
| Name and address Herefordshire Council as the Licensing Authority 8 St Owens Street Hereford HR1 2PJ |
| Telephone number (if any) |
| E-mail address (optional) licensing@herefordshire.gov.uk |

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

| |
|-------------------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

On the evening of Saturday 29th June 2019 the Out of Hours Noise team which included the principal licensing officer witnessed noise emanating for the premises which constituted a statutory nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

On Saturday 29th June 2019 the Principal Licensing Officer was part of the Out of Hours noise team together with an Environmental Health Officer. They received a number of complaints from residents of Admiral Close, Hereford. Admirals Close is to the south of Gardner Hall and in close proximity to the rear grounds of Gardner Hall.

The officers who attended could see that there was a function taking place and that the doors and windows to the rear of Gardner Hall were open. They could hear loud music coming from the premises and also could hear people laughing and shouting.

The terminal hour for Licensable Activities was Midnight but the music continued to play. At 1207 the DJ was heard to say OK just one more and proceeded to playing 'Sweet Caroline'.

From their investigation both officers were satisfied that a Statutory Noise Nuisance took place and a Notice will be served concerning this in relation to this.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **11.7.19**

Capacity **Principal Licensing Officer**

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. 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 - PR01499 (App to Vary Premise DPS)

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

**Royal National College for the Blind
The Point 4 and Gardner Hall
Venns Lane
Hereford
HR1 1DT**

Telephone number: **01432 376365**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

**PLAYS (Indoors)
FILMS (Indoors)
INDOOR SPORTING EVENTS
LIVE MUSIC (Indoors)
RECORDED MUSIC (Indoors)
PERFORMANCE OF DANCE (Indoors)
ACTIVITY LIKE MUSIC/DANCE (Indoors)
FACILITY FOR MAKING MUSIC (Indoors)
FACILITIES FOR DANCING (Indoors)
SUPPLY OF ALCOHOL (for consumption on the premises)**

The times the licence authorises the carrying out of licensable activities

**Plays; Films; Live Music; Recorded Music; Performance of Dance; Activity Like Music or Dance; Facility for Dancing; Facility for Making Music;
Monday - Sunday 09:00-24:00**

**Indoor Sporting Events
Monday - Sunday 08:30-23:30**

**Non-standard timings
None**

**Supply/Sale of Alcohol
Monday - Sunday 11:00-24:00**

**Non-standard timings
None**

Licensing Section, Herefordshire Council
PO Box 233, Blue School House, Hereford, HR1 2ZB

The opening hours of the premises

Monday - Sunday 07:00-00:30

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

On the premises

Part 2

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

**Royal National College Enterprises
Royal National College For The Blind
College Road
Hereford
Herefordshire
HR1 1EB**

01432 376635

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

Registered Number: **1747998**

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

Christopher Combe
[REDACTED]
[REDACTED]

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 – PL [REDACTED]
Issuing Authority – Herefordshire Council**

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, 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

Mandatory condition: exhibition of films

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

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

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

In this section-

"children" means persons aged under 18; and

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

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

In order to promote licensing objectives the use of all licensed areas included in this Licence will be restricted as follows:

The point4: Licensed areas will be used by college staff and students, members of the Point4, private hirers and their guests plus members of the public.

Gardner Hall: Licensed areas will be used by college staff plus private hirers and their guests.

**Licensing Section, Herefordshire Council
PO Box 233, Blue School House, Hereford, HR1 2ZB**

Prevention of Crime and Disorder

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

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

Late evening/Night Security Personnel will patrol the licensed areas and are licensed viewers of the Campus CCTV system which will record any infringement of licensing objectives.

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

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

Toughened/Polycarbonate/plastic containers shall be used at all times when the premises operate for licensable activities. (Bistro, Bar and Terrace only). All drinks will be dispensed and served in toughened/polycarbonate/plastic containers (Bistro, Bar and Terrace only).

The DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)

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

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

- Drugs Awareness
- Conflict resolution
- Selling to under age person
- Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

**Licensing Section, Herefordshire Council
PO Box 233, Blue School House, Hereford, HR1 2ZB**

Public Safety

A HSE Compliant Industrial High Response First Aid Kit for 21-50 people must be located on the premises and be readily available to all staff at all times. The kit will be inspected daily and replenished daily; an endorsed log sheet will be contained in each kit. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Wash proof 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

An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]

Disabled people

When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

Disabled people on the premises must be made aware of the evacuation procedure.

All exits doors must be capable of being opened without the use of a key, card, code or similar means.

Doors must be checked at least every 24 hours to ensure that they are capable of being opened. A record of this check shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

Any security fastenings fitted to any escape doors/routes must removed prior to the premises being opened to the public.

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.

Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.

Prevention of Public Nuisance

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

'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'.

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.

Live or Recorded music shall be restricted to the area marked on the premises plan.

Any speaker within the premises shall be directed away from any residential property

No external area at the premises shall be used for licensable activities after 23:00 hrs

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.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

No waste such as bottles or refuse shall be placed outside the premises between 2200hrs and 0700hrs

Protection of Children

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. 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.

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).

All staff employed by RNC Enterprises must be CRB checked.

**Annex 3 - Conditions attached after a hearing by the licensing authority
None**

**Annex 4 - Plans
As attached**

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

Premises licence number- PR01499 (App to Vary Premise DPS)

Premises details

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

**Royal National College for the Blind
The Point 4 and Gardner Hall
Venns Lane
Hereford
HR1 1DT**

Telephone number: **01432 376365**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

**PLAYS (Indoors)
FILMS (Indoors)
INDOOR SPORTING EVENTS
LIVE MUSIC (Indoors)
RECORDED MUSIC (Indoors)
PERFORMANCE OF DANCE (Indoors)
ACTIVITY LIKE MUSIC/DANCE (Indoors)
FACILITY FOR MAKING MUSIC (Indoors)
FACILITIES FOR DANCING (Indoors)
SUPPLY OF ALCOHOL (for consumption on the premises)**

The opening hours of the premises

Monday - Sunday 07:00-00:30

Name, (registered) address of holder of premises licence

**Royal National College Enterprises
Royal National College For The Blind
College Road
Hereford
Herefordshire
HR1 1EB**

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

On the premises

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

Registered Number: / **Not applicable**

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

Christopher Combe

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

Dear Licensing

With reference to the review raised Trading Standards have put forward the recommended conditions in relation to the protection of children from harm.

1. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course 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. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 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.
2. 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 weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

Kind regards

Trading Standards

31 JUL 2019

HEREFORDSHIRE COUNCIL
Licensing Act 2003

BY:

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

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.

| | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Your Name: | Contact Telephone No: |
| Address: | E-mail address: |
| | Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT |

Name & Address of premises you are making a representation about:
GARDENER HALL, ROYAL NATIONAL COLLEGE FOR THE BLIND, HEREFORD HC1 1DT.

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 ONGOING EVENING EVENTS AT GARDENER HALL ARE CAUSING NOISE FROM THE EVENT LATE AT NIGHT IN A QUIET RESIDENTIAL AREA. EXTRA ARRIVALS / DEPARTURES CAUSE DISRUPTION. DELIVERIES CAUSE NOISE & DISRUPTION AND ALSO COLLECTIONS OF REFUSE. |
| To Protect Children from Harm THE IMPACT IS ON LOCAL RESIDENTS CHILDREN IN ADMIRALS CLOSE AND SURROUNDING AREA BECAUSE THEY ARE WOKEN AND HAVE DISRUPTED SLEEP IN TERM TIME. |

Signed: [Redacted]
Date: [Redacted]

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

29 / 07 / 2019

SLEEP IN TERM TIME.
please see overleaf →

THE NOISE AND DISRUPTION FROM RECENT
EVENTS ON August 11th
18th
24th 2018

~~COULD~~ CONTINUED UNTIL AFTER MIDNIGHT
AND COULD BE HEARD INSIDE MY
HOUSE BY ME AND MY FAMILY
(19 year old & 21 year old sons).

IT PREVENTED US FROM EITHER GETTING
TO SLEEP OR REPEATEDLY WAKE
US.

THE MOST RECENT EVENTS

JUNE 29th

JULY 4th 2019

COULD BE HEARD AS CLEARLY AS
THOUGH THEY WERE TAKING PLACE
IN OUR CLOSE.

RESIDENTS ARE EITHER LIKE
US WITH FAMILIES OR OLDER,
SOME WORKING, OTHERS RETIRED.
WE ALL VALUE THE PREVIOUSLY QUIET
RESIDENTIAL LOCATION.

I WOULD LIKE TO SEE ANY
LICENSE OR PERMISSION FOR EVENTS
LIKE THOSE ON THE ABOVE DATES TO
STOP IMMEDIATELY.

RECEIVED

26 JUL 2019

HEREFORDSHIRE COUNCIL
Licensing Act 2003

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**

BY: **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.

| | |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Your Name: [REDACTED] | Contact Telephone No. [REDACTED] |
| Address: [REDACTED] | E-mail address: |
| | Please state your interest in the premises you are making a representation about: eg local resident/local business local resident. |
| Name & Address of premises you are making a representation about: GARDINER HALL. VENNS LANE. HEREFORD | |

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

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

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To Prevent Crime & Disorder |
| Public Safety |
| To Prevent Public Nuisance 29th June 2019 member of the Environment Dept. made recordings of the noise levels from Gardiner Hall deeming it "unacceptable" A number of events in 2018 (Thurs 5th July; cont. |
| To Protect Children from Harm |

Signed: [REDACTED]
Date: 22 July 2019.

FL/5005 4 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 261761

P.T.O.

Sat. 11th Aug

Sat 18th Aug

Tue 24 Aug

Sat 8 Sept.

would have also exceeded noise levels but unfortunately these were not registered with the Council as it had been advised to contact RNCB directly with complaints.


While these objections (to Prevent Public Nuisance) also encroach on the remaining LICENSING OBJECTIONS :-

'To prevent Crime and Disorder'

'Public Safety'

'To protect children from Harm'

Wherever there is alcohol available, there is the potential to contravene above. It should also be noted that noise is not confined to sale of alcohol times but extends beyond and involves noise from people leaving events by cars, pedestrian groups, disposal of bottles etc by staff into recycling bins (collection of these being 04⁴⁵ weekly) 1x event police called and this was for a christening party with children present.



HEREFORDSHIRE COUNCIL
Licensing Act 2003

RECEIVED
30 JUL 2019
BY:

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**

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.

| | |
|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Your Name: [REDACTED] | Contact Telephone No. [REDACTED] |
| Address: [REDACTED] | E-mail address: [REDACTED] |
| | Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT |
| Name & Address of premises you are making a representation about: RNCR LICENSE REVIEW - GARDNER HALL JENNS LANE | |

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 PLEASE SEE ATTACHED LETTER |
| To Protect Children from Harm |

Signed [REDACTED]
Date: 25 July 2019

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

Licensing Act :

Review of License for RNCB – The Point 4 + Gardner Hall – Venns Lane
Hereford

Representation

To Prevent Public Nuisance

While supporting the educational aims of the RNCB it is incumbent on the RNCB to recognise the rights of individuals living in this area.

Loud music and alcohol are a mixture that makes control of all individuals to consider others very difficult. The “Public Nuisance” due to these events causes mental stress, a lack of sleep and general anxiety.

There were a number of occasions during 2018 when social events at Gardner Hall adversely affected the lives of local residents. Below is a list of some of these dates:

Thursday 5th July

Saturday 11th August

Saturday 18th August

Friday 24th August

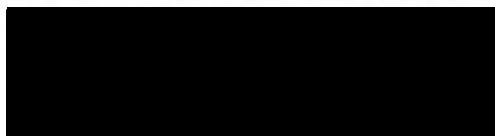
Saturday 8th September

Some of these events carried on after 1.00 am and as people left there were further disruptions due to noise etc.

I have email correspondence with Lucy Proctor (RNCB) after the 11th August trying to contain the disruption to local residents. Unfortunately the events of Saturday 29 June 2019 indicate that any self restrictions by the RNCB have been unsuccessful. Mr Spriggs and a Environment Officer who visited the site at 23.30pm said the noise levels, etc are unacceptable near a residential area.

On Thursday 4th July 2019 a group of people were sitting outside Gardner Hall shouting and singing until approximately 23.30pm.

In my opinion these type of social events should be at more suitable venues where there can be greater control and less disturbance to residents.



25th July 2019.

RECEIVED

A.

HEREFORDSHIRE COUNCIL
Licensing Act 2003

29 JUL 2019

BY: _____

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**

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.

| | |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Your Name _____ | Contact Telephone No. _____ |
| Address: _____ | E-mail address: _____ |
| | Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT |
| Name & Address of premises you are making a representation about: RNCB, GARDNER HALL, POINT 4 - VENNS LANE | |

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 We have experienced many occasions in the last few years where loud music, obnoxious behaviour including shouting + swearing has gone on past midnight. we have 2 children that have been subjected to this anti-social behaviour as a result of the consumption of alcohol outside. we feel that this is unacceptable in a residential area. |
| To Protect Children from Harm |

Signed: _____
Date: 26/7/19

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**

HEREFORDSHIRE Council Representation Form - Interested Parties

P.S. we would appreciate some acknowledgment of this representation.

