

Agenda

Licensing sub-committee

Date: **Monday 12 July 2021**

Time: **4.30 pm**

Place: **Online Meeting Only**

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

For any further information please contact:

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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 Paul Andrews
Councillor Tony Johnson

Agenda

		Pages
PUBLIC INFORMATION		
THE NOLAN PRINCIPLES		
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 GRANT OF A PREMISES LICENCE IN RESPECT OF DOM'S BIKE STOP, WESTEATON NURSERIES, STOKE PRIOR LANE, LEOMINSTER. HR6 0NA - LICENSING ACT 2003 To consider an application for a grant of a premise licence in respect of Dom's Bike Stop, Westeaton Nurseries, Stoke Prior Lane, Leominster. HR6 0NA under the Licensing Act 2003.	13 - 60
5.	APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF LEDBURY TOWN FOOTBALL CLUB, NEW STREET, LEDBURY. HR8 2EL- LICENSING ACT 2003 To consider an application for a grant of a premise licence in respect of Ledbury Town Football Club, New Street, Ledbury. HR8 2EL under the Licensing Act 2003.	61 - 112
6.	REVIEW OF A PREMISES LICENCE IN RESPECT OF: THE LIVE INN, WHITBOURNE, WORCESTERSHIRE. WR6 5SP CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003 To consider an application for a review of a premise licence in respect of The Live Inn, Whitbourne, Worcestershire. WR6 5SP.	113 - 142

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HEREFORDSHIRE COUNCIL

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

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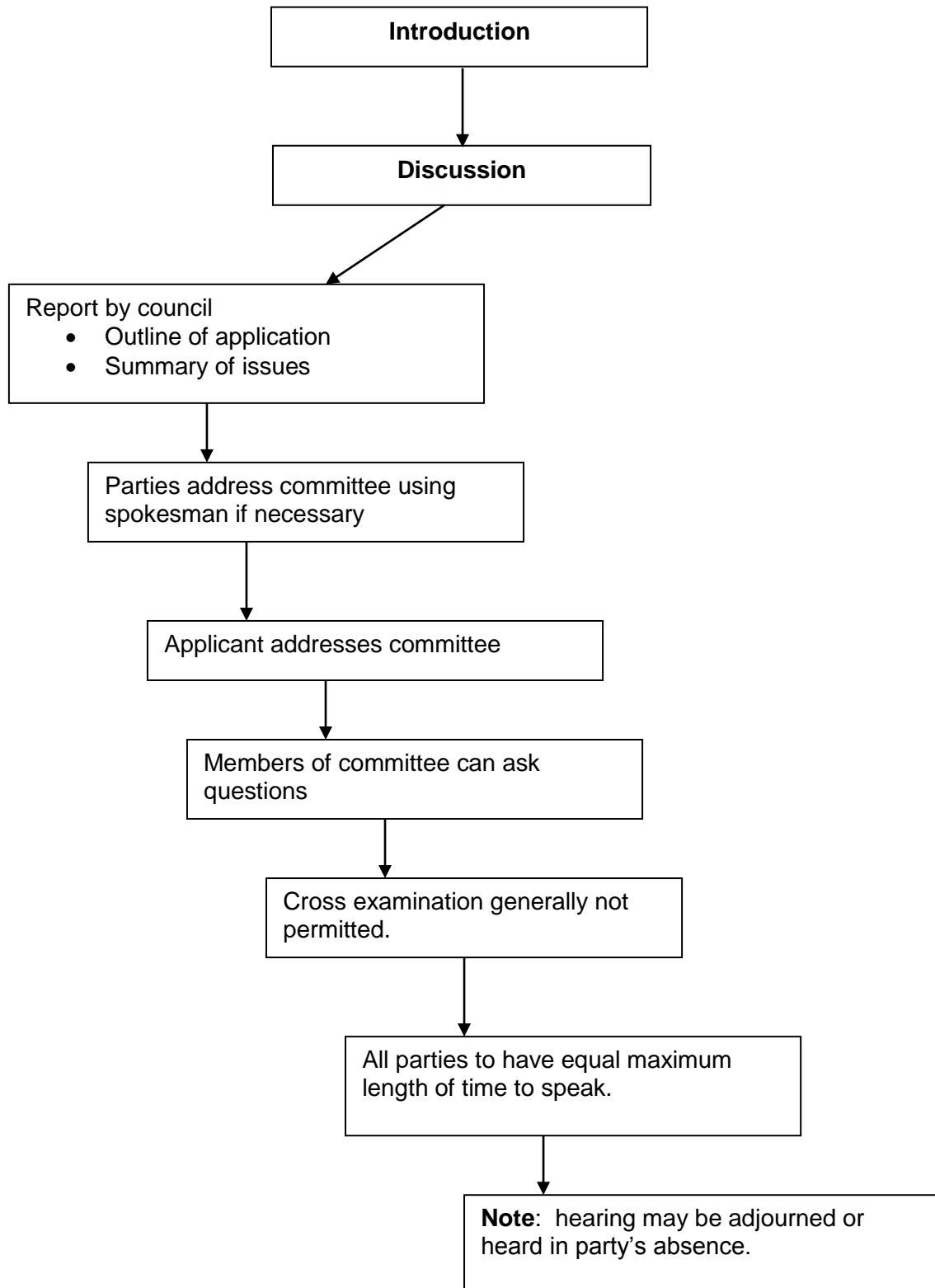
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Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Title of report: Application for a grant of a premises licence in respect of Dom's Bike Stop, Westeaton Nurseries, Stoke Prior Lane, Leominster. HR6 0NA– Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 12 July 2021

Report by: Principal Licensing Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Leominster – South

Purpose

To consider an application for a grant of a premise licence in respect of Dom's Bike Stop, Westeaton Nurseries, Stoke Prior Lane, Leominster. HR6 0NA under the Licensing Act 2003.

Recommendation(s)

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:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative 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 refuse the application

Key considerations

Licence Application

2. The application for the grant of a premises licence has received relevant representations and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states “All representation must be ‘relevant’, for example they must be about the likely effect of the grant of the application”. This followed paragraph 8.57 in the s182 Guidance which uses the same wording
4. The details of the application are:

Applicant	Westeaton Nurseries	
Agent	Not applicable	
Type of application: Grant	Date received: 31 March 2021 28 day consultation started: 1 April 2021	28 Days consultation ended: 28 April 2021

Summary of Application

5. The application (appendix 1) requests the grant of a premises licence to allow the following licensable activities, during the hours shown, as follows:

Live Music (Indoors/Outdoors), Recorded Music (Indoors/Outdoors), Sale/Supply of Alcohol (consumption on and off the premises)

Monday – Sunday 11:00 – 23:00

Late Night Refreshment (Indoors/Outdoors)

Christmas Eve 23:00 – 24:00 & New Year's Eve 23:00 – 01:00

Live Music, Recorded Music, Sale/Supply of Alcohol (all indoors/outdoors)

Christmas Eve 11:00 – 24:00 & New Year's Eve 11:00 – 01:00

Under the Live Music Act 2012 (as amended), an alcohol licenced premises can have live and/or recorded music from 08:00 – 23:00 for up to 500 people, without the need for these activities to be on a premises licence.

A set of conditions to promote the licensing objectives have been proposed by the applicant and will form as part of the licence if granted (Appendix 2).

Summary of Representations

6. One (1) representation has been received from Environmental Protection as a responsible authority. This representation has been agreed with Environmental Protection. (Appendix 3).
7. Three (3) relevant representations have been received from members of the public that the licensing authority have accepted as being relevant. (Appendix 4).
8. Five (5) letters of support were received after the end of the consultation. These have been rejected by the authority as being received out of time but will be kept on file.
9. Following the end of consultation, the applicant contacted West Mercia Police to ask if any complaints had been received regarding the premises. West Mercia Police's reply can be found at Appendix 5.

Additional information

10. The matter appeared before the Licensing Sub-Committee on 8 June 2021 when it was adjourned to today's date, to allow members of the Sub-Committee to carry out a site visit, which they did on the afternoon of Friday 18 June 2021.
11. Since that site visit the applicant has amended his application and has decided to remove regulated entertainment (live and recorded music) from the application.
12. Those who made relevant representations have been notified by email. One relevant representation (Appendix 4 page 6 & 7) has now been withdrawn. No response has been received from the other two individuals who made relevant representations.

13. The premises have had the following Temporary Event Notices (TEN):

2017 Three (3)
2018 Three (3)
2019 Four (4)
2020 Eight (8)

The latest hour applied for was 11pm.

18. The Environmental Health have no record of any noise complaints.

Community impact

14. Any decision may have an impact on the local community.

Environmental Impact

15. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

17. There are no equality issues in relation to the content of this report.

18. 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.

19. 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.

Resource implications

19. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

20. There are unlikely to be any financial implications for the council, as licensing authority at this time.

Legal implications

21. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
22. 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. The options available to the licensing authority are set out in section 1 of this report.
23. 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.
24. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
25. 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.
26. 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.
27. 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:
28. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
29. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

31. Schedule 5 of the Licensing Act 2003 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).
32. 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

33. 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

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

Appendices

- Appendix 1 - Application Form
- Appendix 2 – Proposed Conditions
- Appendix 3 – Environmental Protection representation
- Appendix 4 – Public representations
- Appendix 5 – Info received from West Mercia Police

Background papers

None Identified.



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Westeaton Nurseries

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Dom's Bike Stop Westeaton Nurseries Stoke Prior Lane			
Post town	Leominster	Postcode	HR6 0NA
Telephone number at premises (if any)		07707 961823	
Non-domestic rateable value of premises		£1,300	

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input checked="" type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name West Eaton Nurseries
Address Stoke Prior Lane Leominster Herefordshire HR6 0NA
Registered number (where applicable) Not applicable
Description of applicant (for example, partnership, company, unincorporated association etc.) Business
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

Garden Centre with café and outside picnic area/beer garden

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

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

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

- | Provision of regulated entertainment (please read guidance note 2) | 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 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed			<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 6)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	11:00	23:00			
Fri	11:00	23:00	<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 6)		
Sat	11:00	23:00	Christmas Eve 11:00 – 24:00 New Year's Eve 11:00 – 01:00		
Sun	11:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	11:00	23:00			
Fri	11:00	23:00	<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 6) Christmas Eve 11:00 – 24:00 New Year's Eve 11:00 – 01:00		
Sat	11:00	23:00			
Sun	11:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur			<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 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	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 4)		
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 5)		
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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Tue					
			<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 6) Christmas Eve 23:00 – 24:00 New Year's Eve 23:00 – 01:00		
Wed					
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	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 6)		
			Christmas Eve 11:00 – 24:00 New Year's Eve 11:00 – 01:00		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Dominic Howe	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Herefordshire Council	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	23:30	<p><u>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</u> (please read guidance note 6)</p> <p>Christmas Eve 11:00 – 00:30 New Year’s Eve 11:00 – 01:30</p>
Tue	11:00	23:30	
Wed	11:00	23:30	
Thur	11:00	23:30	
Fri	11:00	23:30	
Sat	11:00	23:30	
Sun	11:00	23:30	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

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 (where relevant to the licensing objections)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objections)
- (d) any incidents of disorder
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service

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

c) Public safety

First aid

A First Aid Kit capable of treating 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

d) The 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

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 patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

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

e) The protection of children from harm

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 public entrances to the premises as well as at, at least one location behind any bar/serving area advertising the scheme operated.

A register of refusals will be kept including time and date and 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).

Checklist:

Please tick to indicate agreement

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


[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	18.03.2021
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.

8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office

acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Consent of individual to being specified as premises supervisor

Dominic Howe

I

.....
[full name of prospective premises supervisor]

of



.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Grant of a Premises Licence

.....
[type of application]

by

Westeaton Nurseries

.....
[name of applicant]

relating to a premises licence

TBC

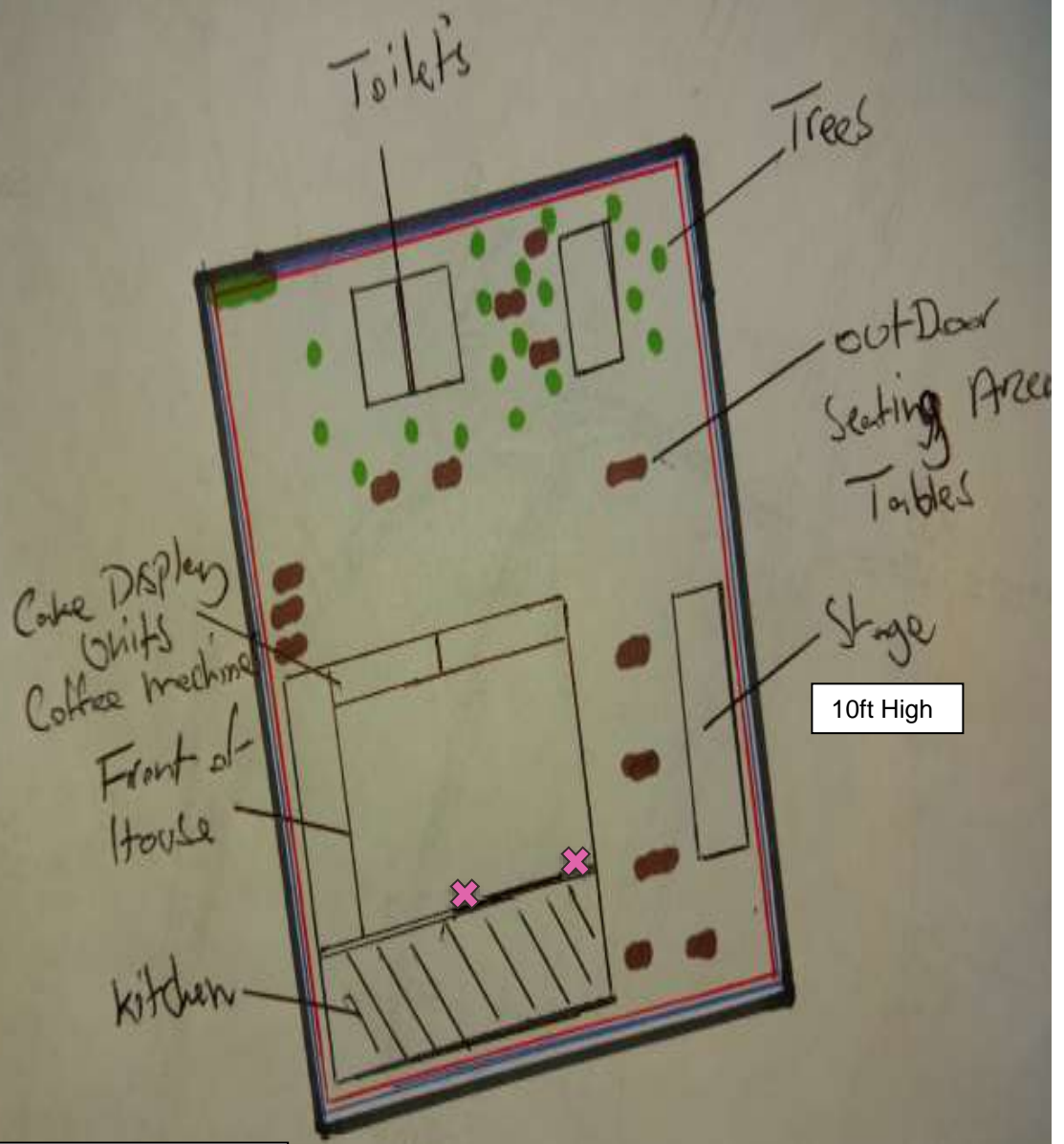
.....
[number of existing licence, if any]

for

Westeaton Nurseries
Stoke Prior Lane
Leominster
Herefordshire
HR6 0NA

.....
[name and address of premises to which the application relates]

Dom's Bike Stop



Red Line = Licensable Activity Area
Blue Line = Consumption of Alcohol Area

X = Powder & Water Fire Extinguishers

- Land at West Eaton Nurseries
Stoke Prior Lane
Leominster, Herefordshire
HR6 0NA

Controller of Her Majesty's Stationery Office.
Copyright and may lead to prosecution or civil proceedings. 100024168. (2006)



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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

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:

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c) Public safety

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

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

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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 public entrances to the premises as well as at, at least one location behind any bar/serving area advertising the scheme operated.

A register of refusals will be kept including time and date and 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.

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Checklist:

Please tick to indicate agreement

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

MEMORANDUM

To : LICENSING OFFICER
From : ENVIRONMENTAL PROTECTION
Tel : 01432 261761 **My Ref : ATR/329317/**
Date : 27 April 2021 **Your Ref :**

LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
Dom's Bike Stop Stoke Prior Lane, Leominster, Herefordshire, HR6 0NA

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	NA
PUBLIC SAFETY	NA
PREVENTION OF PUBLIC NUISANCE I would request that the following condition is added to the offered conditions. Noise or vibration shall not emanate from the premises so as to cause a nuisance. This has been discussed with the applicant .	
PROTECTION OF CHILDREN FROM HARM	NA

REFERENCES

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

ENVIRONMENTAL HEALTH 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: ██████████	Contact Telephone No. ██████████
Address: ██████████ ██████████	E-mail address: ██████████
	Please state your interest in the premises you are making a representation about: My elderly mother lives adjacent at Eaton Farm, and I am concerned on her behalf.
Name & Address of premises you are making a representation about: Dom's Bike Stop, West Eaton Nurseries, Stoke Prior Lane, Leominster HR6 0NA	

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
<ul style="list-style-type: none"> • The premises comprise a nursery and this seems to have evolved from having an ancillary café to trading as a motorcycle stop. Selling alcohol to motorcyclists and having them spill out on to the A44 and A49 does not seem in the interests of public safety – are Highways England and the Police aware? Visitors to a pub usually have a nominated driver. Motorcyclists are the driver. • Access to the site is right on the junction of Stoke Prior Lane and the A44, there is no clarity on traffic management methods to contend with the potential increased traffic from the proposed increased intensity of use, which guidance suggests could permit up to 500 persons.
To Prevent Public Nuisance
<ul style="list-style-type: none"> • The site adjoins a cluster of approximately a dozen households, whose amenity will be significantly affected by open air live music and amplified rock music from 11 in the morning to 11 at night every day, as well as Christmas Eve and New

Year's Eve. There seems no ability to attenuate noise from an open-air stage and speakers, which will be relentless. The proposals seem to leave neighbours living next door to a Woodstock every day.

- My mother runs a small caravan site opposite – the amenity of visitors to the area (tourists contributing to the local economy) will be adversely affected.
- The application suggests signage will be “requesting the public to respect the needs of local residents and to be quiet” – this is incongruous with amplified live and recorded music played in the open air consistently.
- Fundamentally this is a nursery which the owner is seeking to change to an open air music venue and drinking establishment, which is an unconsented change of use inappropriate for the location and outside of the Local Plan, affecting amenity of a cluster of homes at the edge of Stoke Prior Parish.
- On the opposite side of the A44 is a Care Home for older people – their ability to sit outside in a country location will be adversely impacted by constant loud open air music, such as the proposed licence would permit.

To Protect Children from Harm

Signed: [REDACTED] 28/04/21
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

- **To operate as a nursery with ancillary café.**

Protect Children from Harm

Signed: [REDACTED]

Date: 28/04/21

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**

RECEIVED
27 APR 2021
BY:

To The Licensing Section / Planning
Permission /

21st April 2021

To Whom it may concern,

Dear Sir/Madam,

I am writing this letter regarding the proposed application for the granting of an alcohol licence in conjunction with live or recorded music on site at "Doms Bike stop" Eaton Nurseries, Stoke Prior Lane, Leominster. HR6 0NA — from Monday to Sunday 11am to 11PM. I take it means these hours every day all week! (or possibility of.)

I live directly opposite at Eaton Farm, I run a small business here of Caravan Park/holidays also I let out properties to full time tenants. At present two of my tenants work from home —

— and they require a quiet environment — to do so.

If Caravan owners travel fifty or a hundred miles to my site to be met with perhaps loud music when they are expecting a quiet countryside — they will not usually be pleased! I doubt if the music will be sweet and low. The application site is only a few yards across the country lane from my property — I have lived here over 20 years and normally it is a beautiful peaceful spot.

Where I live is a listed Grade II building with tall chimneys which conduct any noise direct into our living space — I have had a small sample of this — so I know what I am talking about.

2

There are eleven or twelve homes directly opposite this proposal site plus three or four within half a mile or so - also Eaton Nursing home, nearby.

Music travels through the air - especially when performed outside even if well conducted or organised.

Only recently Police were called to an illegal Rave at Dorstone in S.W. Hereford making headline news on B.B.C. and the "Hereford Times" - with people I know quoted of how the music could be heard - 10 miles away - so what are we supposed to do on a hot day or evening - what is proposed may not be illegal if given permission but it is not even within four walls and just yards away! Even if we shut all our windows - do not sit in our garden - it is yards away - and alcohol is hardly going to add quietness to the scene.

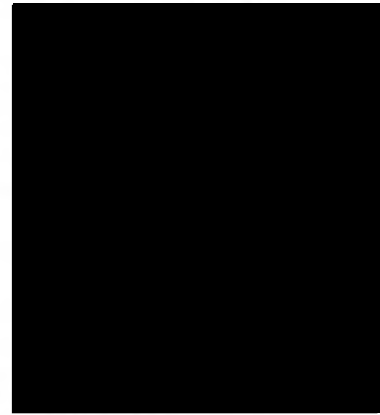
Does the law protect us or not - If one lived in a flat you would probably not be allowed to play a piano, turn the tele. up too much or even vacume your carpet at certain times of the day - but if this application goes ahead and is allowed - we will be expected to put up with noise - much of the time. How can music be played quiet? in open air.

I am not against Music or Alcohol - or people having a jolly time - but not when it infringes on other people / neighbours and hard earned business interests

This is why I wish to object to this application at "Dons Bike stop" Eaton Nurseries Leominster

HR6 0NA.

yours Sincerely



24/04/21

Herefordshire Council,
Licensing Department,
8 St Owen St.,
Hereford.
HR1 2PJ

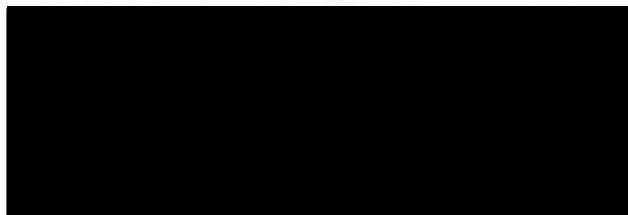
Westeaton Nurseries Application for Licence.

Mr D. Howe of Dom's Bike Stop, Westeaton Nurseries, Stoke Prior Lane, Leominster has applied for a licence for: (i) live and recorded music indoors and outdoors from 1100 to 2300 7days a week; (ii) late night refreshment to take place indoors and outdoors seven days a week. **(The times involved are not stipulated.)** (iii) people to be able to purchase alcohol to consume on or away from the premises seven days a week from 1100 to 2300.

We, the undersigned, wish to oppose these plans on the following grounds:

1. The potential noise level in a residential area is unacceptable.
2. West Eaton Care Home is close to Mr Howe's property and the residents have enough problems without adding late night revelry.
3. Traffic going in and out of the property will be noisy and add to pollution. Stoke Prior Lane is inadequate for traffic now.
4. Are there proper parking and toilet facilities?
5. What hygiene facilities are there, especially in relation to food?
6. With alcohol consumption late at night, noise levels will undoubtedly be high.

In the past Mr Howe has had weekend parties from time to time, but the proposals outlined for 12 hours a day, seven days a week would be harrowing for local residents.



From: XXXXXXXXX>
Sent: 26 May 2021 11:25
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Dom's Bike Stop Licence Application.

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Thank you for your letter concerning Dom's Bike Stop Licence application. The points that have to be addressed are:

1. The potential noise level in a residential area is unacceptable.
2. West Eaton Care Home is close to Mr Howe's property and the residents have enough problems without adding late night revelry.
3. Traffic going in and out of the property will be noisy and add to pollution. Stoke Prior Lane is inadequate for traffic now.
4. Are there proper parking and toilet facilities?
5. What hygiene facilities are there, especially in relation to food?
6. With alcohol consumption late at night, noise levels will undoubtedly be high.

In the past Mr Howe has had weekend parties from time to time, but the proposals outlined for 12 hours a day, seven days a week would be harrowing for local residents.

Mr Howe came round to see us recently and seemed to indicate that points 3 to 6 were under control. Furthermore, he said that noise levels would be kept down.

We trust that the Herefordshire Committee considering the licence application will address all these points above, not least potential 12 hours a day noise.

We do not wish to attend the Zoom meeting, but would appreciate contact from you by email about the result of the application.

Thank you,

XXXXXXX

----- Original message -----

From: West Mercia Police

Date: 21/05/2021 13:09 (GMT+00:00)

To: Dom's Bike Stop

Subject: WESTEATON NURSERIES (DOM'S BIKE STOP)

Following our conversation with regards to any complaints about your licenses premises Westeaton Nursesies (Dom's Bike Stop).

We record incidents or visits at license premises on a dedicated system for license premises.

I have checked this system and there are no record of any incidents or visits to your premises by West Mercia Police.

If I can be of any further help please refer to my contact details as supplied

Regards

MATES/Licensing/COVID Bronze Officer

Harm Hub Hereford Police Station

This email and any attachments may contain information that is confidential, privileged, sensitive, or otherwise protected from disclosure. Its unauthorised use, disclosure, storage or copying is not permitted. If received in error, please destroy all copies and notify the sender immediately by return email. Internet email is not a secure medium of communication. Any views or opinions expressed in this email do not necessarily represent those of West Mercia Police. All email activity may be may be monitored, recorded and retained by West Mercia Police in accordance with relevant legislation.

Please be aware that all information provided to West Mercia Police will be held and treated in confidence in accordance with the Data Protection Act 2018. It may be shared with other Force departments. Personal information may also be used for statistical purposes, for fraud and crime prevention and may be checked with/disclosed to regulatory bodies. The information provided may be held electronically and/or in paper form and will be kept secure at all times. Your personal data will be processed for the performance of tasks carried out in the public interest or in the exercise of the Police's official authority and to comply with legal obligations.



Title of report: Application for a grant of a premises licence in respect of Ledbury Town Football Club, New Street, Ledbury. HR8 2EL– Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 12 July 2021

Report by: Principal Licensing Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Ledbury – South

Purpose

To consider an application for a grant of a premise licence in respect of Ledbury Town Football Club, New Street, Ledbury. HR8 2EL under the Licensing Act 2003.

Recommendation(s)

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:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative 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 refuse the application

Key considerations

Licence Application

2. The application for the grant of a premises licence has received relevant representations and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states “All representation must be ‘relevant’, for example they must be about the likely effect of the grant of the application”. This followed paragraph 8.57 in the s182 Guidance which uses the same wording
4. The details of the application are:

Applicant	Ledbury Town Football Club	
Agent		
Type of application: Grant	Date received: 7 April 2021 28 day consultation started: 8 April 2021	28 Days consultation ended: 5 May 2021

Summary of Application

5. The application (appendix 1) requests the grant of a premises licence to allow the following licensable activities, during the hours shown, as follows:

Live Music (Indoors/Outdoors), Recorded Music (Indoors/Outdoors), Performance of Dance (Indoors/Outdoors), Anything Similar (Indoors/Outdoors) Sale/Supply of Alcohol (consumption on and off the premises)

Monday – Sunday 11:00 – 01:00

Late Night Refreshment (Indoors/Outdoors)

Monday – Sunday 23:00 – 01:00

New Year's Eve for all above licensable activities

11:00 – 03:00

Under the Live Music Act 2012 (as amended), an alcohol licenced premises can have live and/or recorded music from 08:00 – 23:00 for up to 500 people, without the need for these activities to be on a premises licence.

A set of conditions to promote the licensing objectives have been proposed by the applicant and will form as part of the licence if granted (Appendix 2).

Summary of Representations

6. One (1) representation has been received and agreed with Environmental Protection as a responsible authority (Appendix 3). It has been agreed that all Live Music should take place indoors only.
7. Four (4) relevant representations have been received from members of the public that the licensing authority have accepted as being relevant. (Appendix 4).
8. One (1) representation was received from a member of the public that the authority rejected as not being relevant.

Additional information

9. The matter appeared before the Licensing Sub-Committee on 8 June 2021 when it was adjourned to today's date following the applicant advising the Licensing Sub-Committee that the applicant wished to reduce the current hours applied for.
10. The hours have been amended as follows:

Live Music (Indoors/Outdoors), Recorded Music (Indoors/Outdoors), Performance of Dance (Indoors/Outdoors), Anything Similar (Indoors/Outdoors) Sale/Supply of Alcohol (consumption on and off the premises)

Sunday to Thursday 1100 to 2300

Friday & Saturday 1100 to 0100

Late Night Refreshment (Indoors/Outdoors)

Friday & Saturday 2300 to 0100

Non-standard timings

New Year's Eve 1100 to 0300 for all licensable activities.

Late Night Refreshment 2300 to 0300

11. All those who made relevant representations have been advised of the amended hours. Responses have been received from three (by email) of those who made relevant representations who have declined to withdraw their representation. The fourth relevant representation was written to and no response has been received at this time.
12. The Full Pitcher Public House which is located about 60 metres away from the Football Club is currently licensed for Music and Alcohol from 1000 hours to midnight, weekdays and from 1000 hours to 0100 hours on a Friday and Saturday.
13. In the past the Football Club has held a licence which authorised music and alcohol from 1100 hours to 2330 hours in the week and from 1100 hours to 0100 hours on a Friday and Saturday.
14. The premises have not applied for any Temporary Event Notices since before 2017 and no complaints have been received by the Environmental Health Team, in the last 12 months, in relation to noise.

Community impact

15. Any decision may have an impact on the local community.

Environmental Impact

16. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

18. There are no equality issues in relation to the content of this report.
19. 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.
20. 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.

Resource implications

21. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

22. There are unlikely to be any financial implications for the council, as licensing authority at this time.

Legal implications

23. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
24. 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. The options available to the licensing authority are set out in section 1 of this report.
25. 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.
26. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
27. 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.

28. 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.
29. 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:
30. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
31. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

32. Schedule 5 of the Licensing Act 2003 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).
33. 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

34. 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

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

Appendices

Appendix 1 - Application Form

Appendix 2 – Proposed Conditions

Appendix 3 – Environmental Protection representation

Appendix 4 – Public representations

Background papers

None Identified

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Ledbury Town Football Club

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Ledbury Town Football Club New Street			
Post town	Ledbury	Postcode	HR8 2EL
Telephone number at premises (if any)		01531 631463	
Non-domestic rateable value of premises		£4100	

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input checked="" type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Ledbury Town Football Club
Address New Street Ledbury Herefordshire HR8 2EL
Registered number (where applicable) Not applicable
Description of applicant (for example, partnership, company, unincorporated association etc.) Business – Football Club
Telephone number (if any) 01531 631463
E-mail address (optional) jamie.onions9@gmail.com>

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

**Football Club near Ledbury Town Centre with clubhouse and function room
Wanting licensable activities for training days/nights, football matches and functions**

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<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			Outdoors	<input type="checkbox"/>
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			Please give further details here (please read guidance note 4)																										
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)																										
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)																										

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	11:00	01:00			
Tue	11:00	01:00			
Wed	11:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	11:00	01:00			
Fri	11:00	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 6) New Year's Eve 11:00 – 03:00		
Sat	11:00	01:00			
Sun	11:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	11:00	01:00	Please give further details here (please read guidance note 4)		
Tue	11:00	01:00			
Wed	11:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	11:00	01:00			
Fri	11:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	01:00	New Year's Eve 11:00 – 03:00		
Sun	11:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	01:00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	11:00	01:00			
Wed	11:00	01:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	11:00	01:00			
Fri	11:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) New Year's Eve 11:00 – 03:00		
Sat	11:00	01:00			
Sun	11:00	01:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	Indoors	<input type="checkbox"/>
Mon	11:00	01:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	11:00	01:00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	11:00	01:00			
Thur	11:00	01:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	11:00	01:00			
Sat	11:00	01:00	<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 6)		
Sun	11:00	01:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
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 5)		
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 6) New Year's Eve 23:00 – 03:00		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 5)		
Mon	11:00	01:00			
Tue	11:00	01:00			
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	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 6)		
			New Year's Eve 11:00 – 03:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Jamie Onions	
[Redacted]	
Address	
[Redacted]	
Postcode	[Redacted]
Personal licence number (if known)	
[Redacted]	
Issuing licensing authority (if known)	
Herefordshire Council	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	01:30	<p><u>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</u> (please read guidance note 6)</p> <p>New Year's Eve 11:00 – 03:30</p>
Tue	11:00	01:30	
Wed	11:00	01:30	
Thur	11:00	01:30	
Fri	11:00	01:30	
Sat	11:00	01:30	
Sun	11:00	01:30	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff **on a risk assessed basis**. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

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 (where relevant to the licensing objections)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objections)
- (d) any incidents of disorder
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service

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

Toughened/Polycarbonate/plastic containers shall be used at all times when the premises operates for licensable activities during a football match. In the event that toughened/polycarbonate/plastic bottles cannot be provided by the suppliers, then all drinks will be dispensed and served in toughened/polycarbonate/plastic containers

At all other times, they will be used on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

c) Public safety

First aid

A First Aid Kit capable of treating 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

d) The prevention of public nuisance

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

No external areas of the premises will be used for regulated entertainment after midnight.

No external areas of the premises will be used for any other licensable activities after 00:30hrs when licensed until 01:00hrs and 01:00hrs when licensed until 03:00hrs or later.

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 smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

e) The protection of children from harm

No person under the age of 18 years shall be permitted to be on the premises after 23:00hrs unless supervised by a person over the age of 18 years

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 public entrances to the premises as well as at, at least one location behind any bar/serving area advertising the scheme operated.

A register of refusals will be kept including time and date and 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).

Checklist:

Please tick to indicate agreement

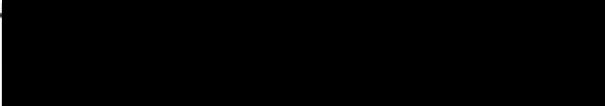

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	
Capacity	Chairman

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for

consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Consent of individual to being specified as premises supervisor

Jamie Onions

I

.....
[full name of prospective premises supervisor]

of

.....
.....
.....
.....

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Grant of a Premises Licence

.....
[type of application]

by

Ledbury Town Football Club

.....
[name of applicant]

relating to a premises licence

TBC

.....
[number of existing licence, if any]

for

Ledbury Town Football Club
New Street
Ledbury
Herefordshire
HR8 2EL

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Ledbury Town Football Club

.....
[name of applicant]

concerning the supply of alcohol at

Ledbury Town Football Club
New Street
Ledbury
Herefordshire
HR8 2EL

.....
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

██████████

.....
[insert personal licence number, if any]

Personal licence issuing authority

Herefordshire Council

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

████████████████████

Name (please print)

JAMIE ONIONS

Date

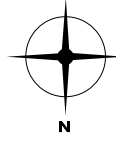
23.03.2021



Ledbury Town Football Club

New Street Ledbury

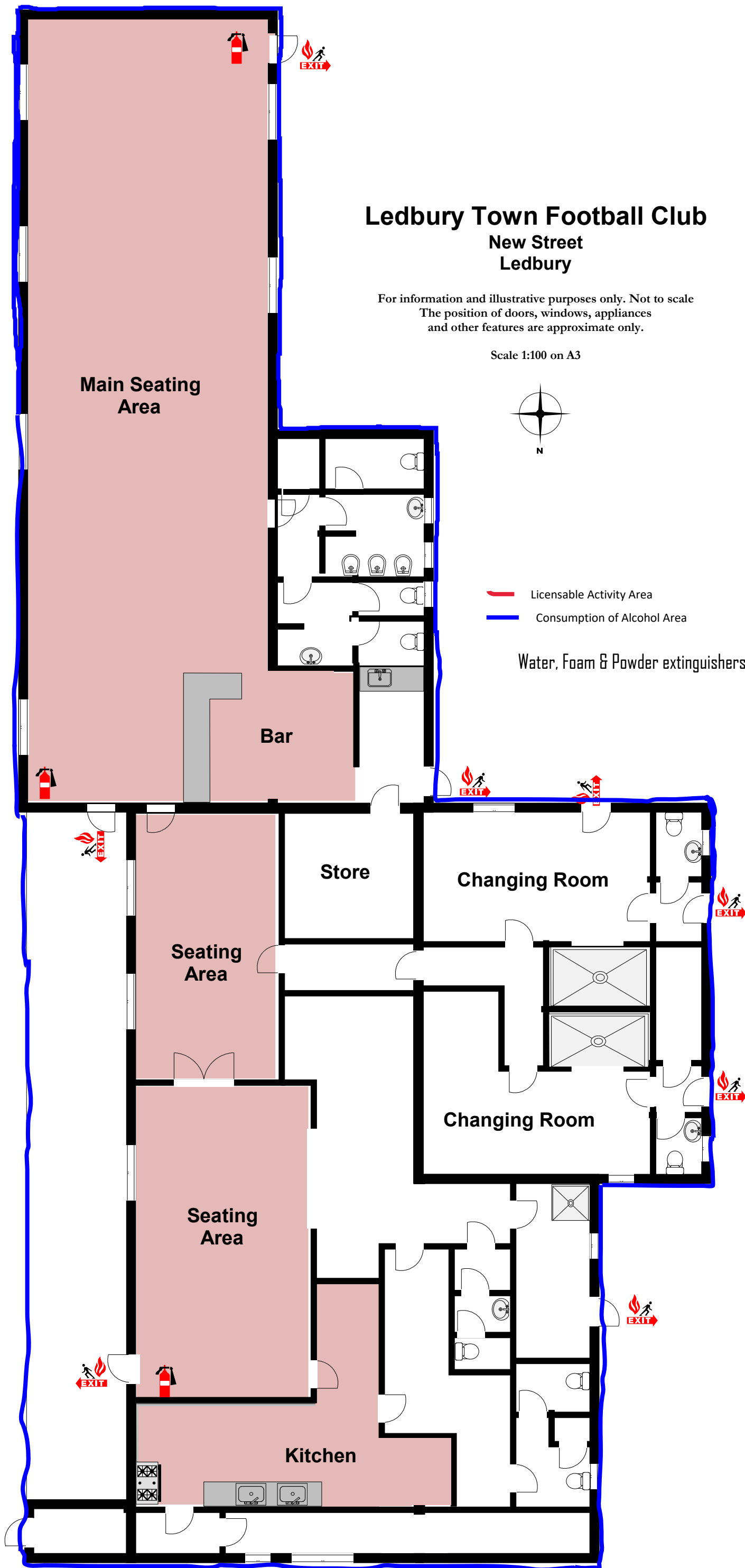
For information and illustrative purposes only. Not to scale
The position of doors, windows, appliances
and other features are approximate only.

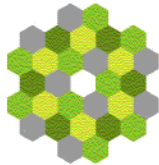
Scale 1:100 on A3



-  Licensable Activity Area
-  Consumption of Alcohol Area

Water, Foam & Powder extinguishers

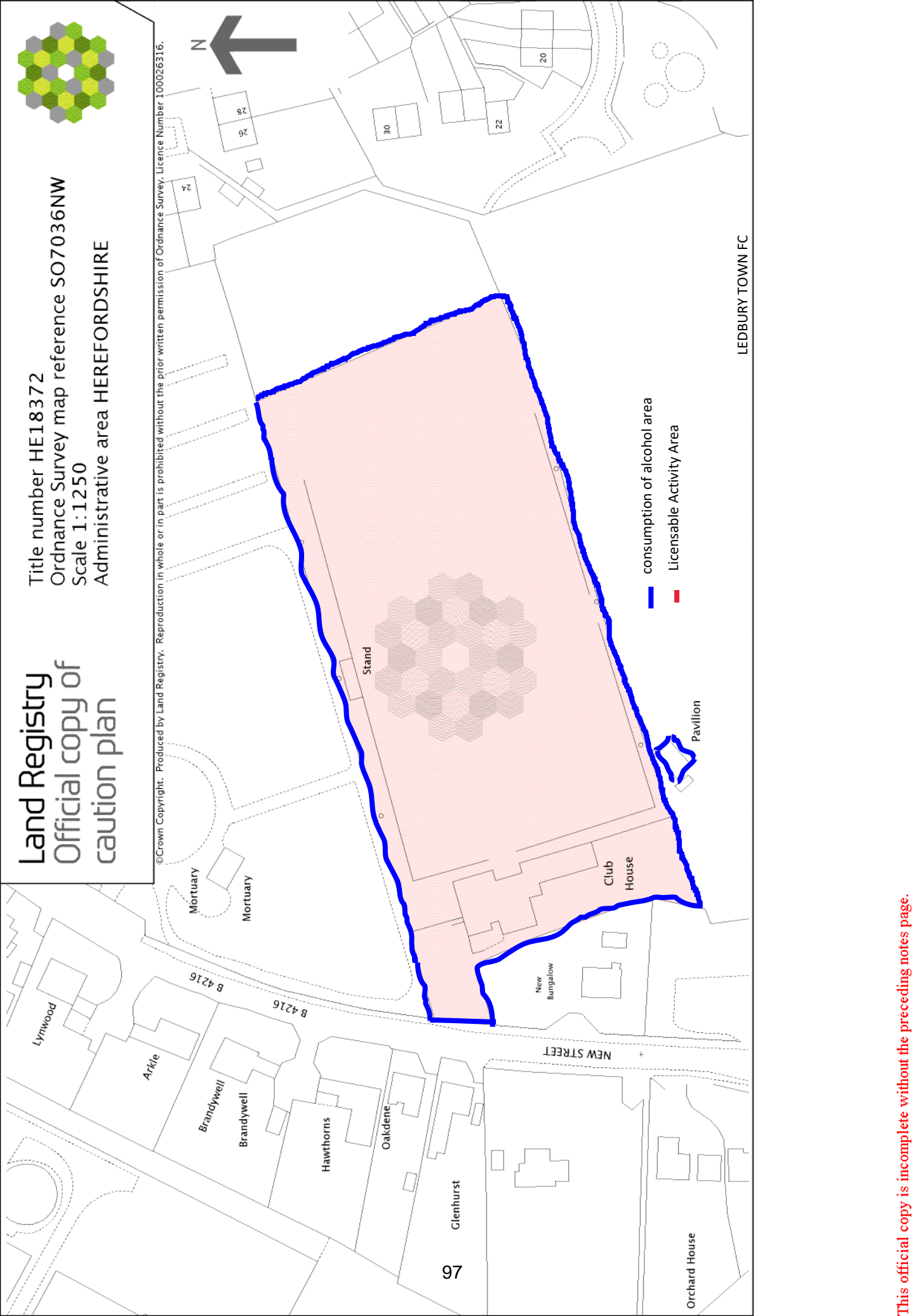




Title number HE18372
 Ordnance Survey map reference SO7036NW
 Scale 1:1250
 Administrative area HEREFORDSHIRE

Land Registry
 Official copy of
 caution plan

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- consumption of alcohol area
- Licensable Activity Area

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff **on a risk assessed basis**. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

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 (where relevant to the licensing objections)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objections)
- (d) any incidents of disorder
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service

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

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At all other times, they will be used on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

c) Public safety

First aid

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- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

d) The prevention of public nuisance

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

No external areas of the premises will be used for regulated entertainment after midnight.

No external areas of the premises will be used for any other licensable activities after 00:30hrs when licensed until 01:00hrs and 01:00hrs when licensed until 03:00hrs or later.

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 smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

e) The protection of children from harm

No person under the age of 18 years shall be permitted to be on the premises after 23:00hrs unless supervised by a person over the age of 18 years

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 public entrances to the premises as well as at, at least one location behind any bar/serving area advertising the scheme operated.

A register of refusals will be kept including time and date and 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).

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

MEMORANDUM

To : LICENSING OFFICER
From : ENVIRONMENTAL PROTECTION
Tel : 01432 261761 My Ref : ATR/329613/
Date : 29 April 2021 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
LEDBURY TOWN FOOTBALL CLUB Ledbury Town Football Club, New Street,
Ledbury, Herefordshire, HR8 2EL**

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	NA
PUBLIC SAFETY	NA
PREVENTION OF PUBLIC NUISANCE I have discussed the application with the applicant and I believe we have agreed that it would be appropriate to restrict live music to indoor areas only. If it can be confirmed that this condition is acceptable this condition and included in the license along with the other conditions offered ,I would have no objection to this application.	
PROTECTION OF CHILDREN FROM HARM	NA

REFERENCES

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

**ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

From: S B [REDACTED] >
Sent: 24 April 2021 15:24
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Objection License - Ledbury Town Football Club
Please note and confirm;

I would like to raise an objection against;

[Application to grant a premises licence - Ledbury Town Football Club - consultation ends 5 May 2021](#)

A number of residents feel the same, having recently made aware are unable to lodge an objection therefore I would strongly encourage due consideration & engagement with residents in the close proximity to the Club.

On a few occasions I have complained about the noise from the Club following events which have a disregard for the local community including myself.

To allow a license as detailed I feel will be intolerable and simply disappointing following previous complaints have been ignored by the club following historical events. I travel and have to up at 4 - 5am for work.

Whilst I feel the community requires the appropriate venues, the Club is not one that needs a license or ability to host live music or other during the weekends or especially during the week.

I welcome a discussion and due consideration for my objection on the grounds that the venue is very close to my home and past experience complaints have been ignored and I feel this will lead to tension and further frustration with the Club.

Br

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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: XXXXXXXXXX	Contact Telephone XXXXX
Address: XXXXXXXXXX	E-mail address: XXXXXX
	Please state your interest in the premises you are making a representation about: eg local resident/local business Local resident with concerns about License request
Name & Address of premises you are making a representation about: Ledbury Football Club New Street Ledbury HR8 2EL	

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

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

To Prevent Crime & Disorder The extended opening and serving of alcohol will have an impact on the level of drunken and disorderly behaviour. This area is quiet and residential. The thought of drunken individuals spilling out onto the streets will undoubtedly lead to an increase in crime and disorder. We live adjacent to a path that leads to the town trail and expect this change to lead to increased social disturbances vandalism / public disturbances. Currently the Full Pitcher, the only other commercial establishment in close proximity, closes at 9pm which limits the effects of late-night drinking and is a tolerable approach.
Public Safety N/A
To Prevent Public Nuisance:

This objection is in reference to Ledbury Footballs Club's request to play music (live & recorded) and requesting a license to supply alcohol until 1 am 7 days a week and 3am on New Years day!

The Football Club is in a residential area with the land directly adjacent to the club (the field) designated for further housing. The opportunity to play music both indoors and outdoors into the early hours of the morning will prove to be considerably disruptive to both existing and new residents. As a father to a young family living opposite the football club which is currently in a quiet residential area I feel that this will have a considerable negative impact on our lives.

- 1) Noise Levels – As the football club is so close to our property the potential of late night music 7 days a week until 1am in the morning will have a detrimental impact on the lives of the local residents. This will include sleep deprivation and the consequent impact on the mental health of the residents. This concern will only be exacerbated by music being played outdoors, even regulated this will have an impact on both existing and new residents.**
- 2) Parking – Changing the nature of the football club will also impact on the lives of residents. With limited parking availability at the Club, on match days fans will often utilise Leadon Place to park, impacting on residents' access, with events and live music offered for extended hours this will have a larger impact on residents lives. How will the club ensure that those attending have requisite space and not infringe on residents private parking?**

The concern is that if this request had been made after the housing in the adjacent field had been built then there would be considerably more objections to this request.

To Protect Children from Harm

N/A

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: Ledbury Football Club Your name: XXX
XX

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 Limit the selling of alcohol to 9pm in line with the precedent set by the opening of the nearby Full Pitcher
Public Safety
Prevent Public Nuisance For live music not to be played after 10pm. For New Years Eve Music not to be played after 12am That the club review how they can increase car parking capacity
Protect Children from Harm

Signed: xXX

Date: 03.05.21

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

From: [REDACTED]
Sent: 22 April 2021 18:30
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Ledbury Football Club Licensing application

Hello,

Here a revised objection, containing full name and address:

We note that the request is for the premises to be open from 11 am until 1 am during the week, for sale of alcohol and also live/recorded music both indoors and outdoors.

We live just up the road [REDACTED], and when a football match is played we can hear every word from the players and spectators alike – not an issue because the games don't last long. However this means that any music played outside will impact on our lives if it is allowed to continue until 1 in the morning. We fear that sleep will be impossible and windows certainly will have to be shut no matter what the temperature.

Also, we have had trouble in the past with people coming up from the Football Club late at night, and we can only see that long licencing hours will make this problem a regular occurrence, and why do they need to stay open until 3 in the morning on New Years Eve when no other venue does that in town.

I really hope that you consider our objections carefully, and we also speak for some other elderly residents around us who have no access to a computer but who are horrified by this application.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



4-5-21

Dear Sir / Madam

Ref: Ledbury Town Football Clubs
application to serve alcohol + play indoor / outdoor music
into the early hours of the morning.

We wish to object to the above
application on the grounds that the club is situated in a
quiet residential street. These proposed hours are
wholly incompatible with the clubs location.

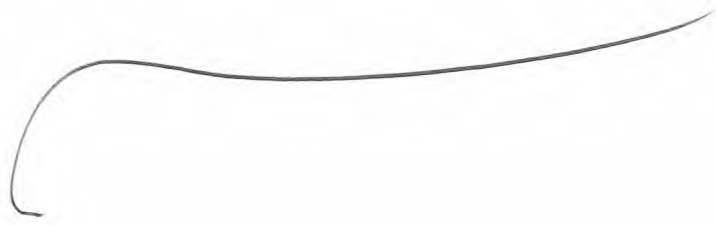
Where alcohol is being served into the
early hours the chances of antisocial behaviour are
greatly increased. We have lived in this street for
55 years + our experiences from late night events
at this club have been most unpleasant - shouting +
swearing, fighting, damage to cars + fences,
people hurling glasses + bottles about + on one
occasion we experienced a particularly nasty brawl
in the street involving several people. This type of
public nuisance happened on many occasions.

Where premises with these extended
hours exist, they are usually found in urban / city
centre environments - where there is a good police

presence to prevent + manage the fallout!
In our small, quiet, rural town there is not!!

Therefore we simply find it extraordinary
+ a totally unacceptable request for such a license.

Yours sincerely





Title of report: Review of a premises licence in respect of: The Live Inn, Whitbourne, Worcestershire. WR6 5SP called by West Mercia Police- Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 12 July 2021

Report by: Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Bromyard Bringsty

Purpose

To consider an application for a review of a premise licence in respect of The Live Inn, Whitbourne, Worcestershire. WR6 5SP.

Recommendation(s)

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,
- West Mercia Police 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 2020 - 2025

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative 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

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

Key considerations

2. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - 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
3. The details of the application are:

Applicant	West Mercia Police as a Responsible Authority	
Agent	Not applicable	
Type of application: Review	Date received: 1 April 2021 28 day consultation started: 2 April 2021	28 Days consultation ended: 29 April 2021

Summary of Application

4. The application for the review is attached (appendix 1).
5. Copies of the application were sent to the premises licence holder and responsible authorities.
6. In brief the Responsible Authority's grounds for the review are:

On 24 December 2020 an assault by the premises licence holder and designated premises supervisor (DPS) (being one and the same) occurred at the premises (when the premises was

open for licensable activities). The review is launched under the licensing objective Prevention of Crime & Disorder

Premises History

7. The premises was first licensed in January 2015 to Richard Keith Hill under the premises name Live & Let Live.
8. The application received relevant representation during the 28 day consultation period and the matter was brought before regulatory sub-committee for determination.
9. The decision of the Sub-Committee was to grant the licence subject to conditions to promote the licensing objectives.
10. On 16 August 2019, the licensing authority granted an application to transfer the premises licence, vary DPS at the premises and change the premises name. The premises is now licenced under The Live Inn Whitbourne with Nicholas Emile John Western-Kaye as the premises licence holder and DPS

Current Licence

11. The current licence (appendix 2) authorises the following licensable activities during the hours shown:
12. Live Music (Indoors) Recorded Music (Indoors)
Monday – Sunday 12:00 – 24:00
Non Standard Timings Christmas Eve, New Years Eve 12:00 – 01:00

Sale/Supply of Alcohol (consumption on and off the premises)
Monday – Sunday 10:30 – 24:00
Non Standard Timings Christmas Eve, New Years Eve 10:30 – 01:00.

13. The licence is also subject to a number of conditions which were added by the sub-committee in December 2014 , one of which is in regards to CCTV. The conditions on the licence must be adhered to whenever the premises is open for licensable activities.

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

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand

Circumstances leading to the review

14. On 24 December 2020 Mr Western-Kaye was working as the Landlord at The Live Inn in Whitbourne. There were several regular customers at the location at the time. During the evening Mr Western-Kaye had engaged in a verbal altercation with a customer that led him to take hold of a baseball bat and assault the customer

15. CCTV footage was obtained by West Mercia Police of the incident.
16. The police officer in the case, investigating the matter has concerns as to the future conduct of the Premises License Holder/Designated Premises Supervisor (Mr WESTERN-KAYE) and is not satisfied that this type of incident will not be repeated.
17. This incident occurred on the 24 December 2020 with the investigation being concluded March 2021.

Summary of Representations

18. No representations have been received from any of the Responsible Authorities or members of the public, though Hereford & Worcester Fire and Rescue Service have confirmed their support for the review application (appendix 3).
19. The applicant's solicitor produced a timeline of incidents leading up to the incident (appendix 4).

Community impact

20. Any decision may have an impact on the local community.

Environmental Impact

21. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as the licensing authority.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

23. There are no equality issues in relation to the content of this report.
24. 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.

25. Article 8(j) 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.

Resource implications

26. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as the licensing authority.

Financial implications

27. There are unlikely to be any financial implications for the council as licensing authority at this time.

Legal implications

28. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
29. 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. The options available to the licensing authority are set out in section 1 of this report.
30. 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.
31. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
32. 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.
33. 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.
34. 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:

35. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
36. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

37. Schedule 5 of the Licensing Act 2003 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).
38. 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

39. 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

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

Appendices

- Appendix 1 - Application Form
- Appendix 2 – Current Premises Licence
- Appendix 3 – Fire Authority Support Letter
- Appendix 4 – Timeline received from Premises Licence Holder Solicitor

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor



**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.

I **██████████** West Mercia Police

(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

LIVE & LET LIVE
WHITBOURNE
WORCESTER
WORCESTERSHIRE
WR6 5SP

Post town Bromyard

Post code (if known) WR6 5SP

Name of premises licence holder or club holding club premises certificate (if known)

NICHOLAS EMILE JOHN WESTERN-KAYE

Number of premises licence or club premises certificate (if known)

PR01656

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 Constable (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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 [REDACTED] West Mercia Police Licensing Officer (Herefordshire) West Mercia Police Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

West Mercia Police are launching this review under the licensing objective, Prevention of Crime & Disorder, due to an assault by the premises licence holder and designated premises supervisor (DPS) at the premises when the premises was open for licensable activities on 24/12/2020 at The Live Inn, Whitbourne (a licenced premises).

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

On 24/12/2020 WESTERN-KAYE was working as the Landlord at The Live Inn in Whitbourne. There were several regular customers at the location at the time.

During the evening WESTERN-KAYE has engaged in a verbal altercation with a customer [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This incident occurred on the 24th December 2020 with the investigation being concluded March 2021. [REDACTED]

[REDACTED]

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 [REDACTED]
.....

Date **24/03/2021**
.....

Capacity **Constable**
.....

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 - PR01656 (App to Transfer & Vary Premises DPS)

Part 1 - Premises details

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

**The Live Inn Whitbourne
Main Street
Whitbourne
Worcester
WR6 5SP**

Telephone number:

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence

**Live Music (Indoors)
Recorded Music (Indoors)
Sale/Supply of Alcohol (consumption on and off the premises)**

The times the licence authorises the carrying out of licensable activities

**Live Music, Recorded Music
Monday – Sunday 12:00 – 24:00**

**Non Standard Timings
Christmas Eve, New Years Eve 12:00 – 01:00**

**Sale/Supply of Alcohol
Monday – Sunday 10:30 – 24:00**

**Non Standard Timings
Christmas Eve, New Years Eve 10:30 – 01:00**

The opening hours of the premises

Monday – Sunday 10:30 – 24:00

**Non Standard Timings
Christmas Eve & New Years Eve 10:30 – 01:00**

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

For consumption on and off the premises

Part 2

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

Nicholas Emile John Western-Kaye
The Live Inn Whitbourne
Main Street
Whitbourne
Worcester
WR6 5SP

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

Nicholas Emile John Western-Kaye
XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX

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 – XXXXXXXX
Issuing Authority – South Buckinghamshire District 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

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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/Objectives (See Annex 3)

General:

Prevention of Crime:

Public Safety:

Prevention of Public Nuisance:

Protection of Children:

Annex 3 - Conditions attached after a hearing by the licensing authority on Monday 8th December 2014

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

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

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003),

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an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. (g)any refusal of the sale of alcohol
 - h. (h) any visit by a relevant authority or emergency service
3. 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
 4. The person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
 5. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
 6. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
 7. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police.
 8. 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-dance, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
 9. 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.
 10. All external doors at the premises shall be kept closed after 2300 except during immediate access and egress.
 11. All windows will be kept shut after 2300 hours.
 12. Any speaker within the premises shall be directed away from any residential property

13. 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
14. 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.
15. 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.
16. No external area at the premises shall be used for the consumption of alcohol or any licensable activity after 23:00 hours.
17. No waste such as bottles or refuse shall be placed outside the premises until the end of licensable activities

Annex 4 - Plans

As attached – Drawing Number 002848 dated 10.10.2014

LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number - PR01656 (App to Transfer & Vary Premises DPS)

Premises details

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

**The Live Inn Whitbourne
Main Street
Whitbourne
Worcester
WR6 5SP**

Telephone number:

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**Live Music, Recorded Music
Monday – Sunday 12:00 – 24:00**

**Non Standard Timings
Christmas Eve, New Years Eve 12:00 – 01:00**

**Sale/Supply of Alcohol
Monday – Sunday 10:30 – 24:00**

**Non Standard Timings
Christmas Eve, New Years Eve 10:30 – 01:00**

The opening hours of the premises

Monday – Sunday 10:30 – 24:00

**Non Standard Timings
Christmas Eve & New Years Eve 10:30 – 01:00**

Name, (registered) address of holder of premises licence

**Nicholas Emile John Western-Kaye
The Live Inn Whtibourne
Main Street
Whitbourne
Worcester
WR6 5SP**

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

For consumption on and off the premises

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

Not applicable

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

Nicholas Emile John Western-Kaye

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**

Headquarters

Hindlip Park
Worcester
WR3 8SP

Tel 0345 122 4454
Fax 01905 357 466
Web www.hwfire.org.uk
Email info@hwfire.org.uk

West District Community Risk Department
Hereford Police Station, Bath Street, Hereford, HR1 2HT



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

LACT3

Chief Fire Officer / Chief Executive
Jonathon Pryce MBA, Dip, GFireE

West Mercia Police
Licensing Officer Hereford
Hereford Police Station
Bath Street
Hereford
HR1 2HT

For the attention of:- PC [REDACTED], Licensing
Officer

[REDACTED]
[REDACTED]

Telephone 01432 347344
Your reference
My reference W5400687/SF/kl
Please ask for [REDACTED]
Email lconsult@hwfire.org.uk
Date 27 April 2021

Dear Sirs,

Fire Precautions

**Licensing Act 2003 – Application for a review of a Premises Licence.
Live & Let Live, Whitbourne, Worcester. HR6 5SP**

With reference to your application for review of the above premises. This Authority supports your application and any joint Inspection of the premises as necessary.

[REDACTED]

[REDACTED] Fire Safety Inspecting Officer
on behalf of Hereford and Worcester Fire Authority

Enc:

cc: licensing@herefordshire.gov.uk

Between:-

Herefordshire Council

V

The Live Inn Whitbourne (Mr. Nicholas Western-Kaye)

Representations made on behalf of the Premises Licence Holder

A. APPLICATION

1. The application to review relates to the licensing objective of the “prevention of crime and disorder”.
2. The premises licence holder (PLH) and designated premises supervisor (DPS) (one and the same) has been referred for review due to an assault at the premises when the premises was open for licensable activities on 24.12.2020 at The Live Inn, Whitbourne (a licensed premises).

B. BACKGROUND

3. NWK retired and wanted a change of direction with a life in the countryside where he could become part of local community life. An opportunity arose through the premises The Live Inn in Whitbourne to experience country life in Herefordshire and become a PLH and DPS.

NWK is not able to simply retire without working as he has experienced a recent expensive divorce.

4. NWK applied for the transfer of the premises licence on 14.08.2019, following the transfer of the lease to him for The Live Inn, Whitbourne. He also applied to be specified as the Designated Premises Supervisor at the same time with immediate effect. The premises licence was ultimately confirmed as been transferred to NWK on 08.10.2019.
5. Under the premises licence, “each individual required to carry out a security activity must be licensed by the Security Industry Authority”. However, under Schedule 2 to the Private Security Industry Act 2001, para 2(6), an activity of a security operative “does not apply to the activities of a person who, incidentally to the carrying out of activities which...are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence”. Under common law, a licence holder (or his/ her agent) are entitled to use reasonable force to eject a person from the licensed premise (see *Semple v DPP* [2009] EWHC 3241 (Admin)) and thought to be good law, and referred to in that case is excessive force (see *Sealey v Tandy* [1902] 1 KB 296).

C. CORONAVIRUS

6. This fledgling business was severely impacted financially by the pandemic by being closed on order of the Government.

The following sets out the key dates:-

- (a) On 20.03.2020, the pubs were ordered to close by the Government.
- (b) Restrictions were only eased on 04.07.2020 with the Chancellors' promotion of "Eat Out to Help Out" starting in August 2020.
- (c) On 22.09.2020, a 10pm curfew was introduced to the pubs.
- (d) On 31.10.2020, a 4-week lockdown started.
- (e) On 02.12.2020, a 3-Tier System was strengthened.
- (f) On 26.12.2020, the third lockdown commenced.
- (g) On 12.04.2021, the outside gardens of pubs have been allowed to open for the first time. It is hoped that indoor service will resume on 17.05.2021.

D. CRIMINAL ACTIVITY THAT AFFECTED THE LICENSED PREMISES

7. October 2019: Theft of £2,000 from wooden box and wallet from private flat above the licensed premises.

NWK secures a confession from [REDACTED] and calls 101 3 times. The promise of police officers attending is not actioned. Culprit is interviewed 10 days later and retracts confession. The Police officer in charge is [REDACTED]. NWK made an official complaint about the delay and failure to interview the chef who was present at the time of the admission to the theft made by [REDACTED].

8. March 2020: Theft of £365 taken from the till (no CCTV in the pub at this stage).

9. 13.08.2020: [REDACTED] fails to pay for £13.60p worth of drinks (placed on a tab).

10. 17.08.2020: [REDACTED] fails to pay £21.65p for drinks and consumables (placed on a tab).

11. 11.09.2020: [REDACTED] fails to pay for drinks, meals and consumables in the sum of £202.55p (placed on a tab).

12. 25.09.2020: [REDACTED] fails to pay for drinks and meals to the sum of £188.25p and is served by the barmaid, [REDACTED], and is allowed to put that on tab.

13. 03.10.2020: Theft of £350 caught on CCTV. One 15-year-old youth admits the offence (others were thought to be involved but not identified) and is diverted via a community resolution and the Crime Ref number is [REDACTED]. Officer in charge is [REDACTED].

E. FACTS OF 24.12.2020 INCIDENT

14. There were previous issues in relation to a number of youths, but in particular two, this is [REDACTED]. These two individuals had failed to pay in accordance with an agreed payment plan of £20 per week the monies that were outstanding. [REDACTED] in her statement confirms that both knew that they were barred from the pub and they had not visited the pub until the incident occurred on 24.12.2020.
15. All their friends were at the pub on Christmas Eve enjoying the festive period. Notwithstanding the barring order, they attended the pub, ordered drinks which they failed to pay for and when challenged refused to leave.
16. The incident itself is captured on CCTV.
17. 28.01.2021: Theft of two cast iron cooking pots from the front of the premises (valued approximately £200). Culprits came in pick up and removed. Caught on CCTV. Reported to the Police.
18. NWK was cautioned on 23 April 2021 for a Common Assault on [REDACTED] where the assault consists of a kick to the inner thigh. There was No Further Action in respect of any allegation in respect of [REDACTED].
19. The matter has been referred immediately for review without any warning given informally or in writing by the Licensing Officer to the DPS requiring improvement. Such warnings “are an important mechanism for ensuring licensing objectives are effectively promoted”. This procedure has been completely by passed in this case. No opportunity has been given to DPS to address his approach in such a situation. Whilst it is accepted that the police can “seek a review of a premises licence on any grounds relating to the licencing objectives if problems arise relating to the performance of a DPS”, this is one incident where it is submitted appropriate advice could have been given as a proportionate response.
20. There has been no meeting between the Herefordshire Licensing Officer with the DPS.

JUDITH KENNEY
JUDITH KENNEY SOLICITORS
28.04.2021

