

A G E N D A

Regulatory Committee

Date: **Tuesday, 29th July, 2003**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

*Pete Martens, Members Services,
Tel 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chair)
Councillor P. Jones (Vice-Chairman)

Councillors S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt,
G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and P. G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 17 June, 2003.	1 - 6
5. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	7 - 8
6. APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE - HEREFORDSHIRE YOUNG FARMERS CHAIRMANS BALL ON FRIDAY 6TH SEPTEMBER 2003 IN A MARQUEE AT GILLOW FARM, HAREWOOD END, HEREFORD- LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 To determine whether to grant an Occasional Public Entertainment licence that requests a finishing time later than the current policy of 0100 hours.	9 - 18

Ward: Pontrilas

7. **APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE WITH VARIATION TO EXTEND OPENING HOURS BEYOND HOURS SET BY COUNCIL POLICY FOR KING CHARLES II 13 BROAD STREET ROSS ON WYE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982** 19 - 36

To consider an application to vary opening hours for an Annual Public Entertainment Licence that requires a finishing time later than the current policy of 23.30.

Ward: Ross-on-Wye West

8. **DRAFT LICENSING POLICY - THE LICENSING ACT 2003** 37 - 44

To consider a draft policy regarding licensable activities as defined in the Licensing Act 2003

Wards: County-wide

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Regulatory Committee held at Brockington, 35 Hafod Road, Hereford on 17 June 2003 at 2.00 pm.

Present: Councillor R.I. Matthews (Chairman)

Councillors: Mrs S.P.A. Daniels, G.W. Davis, P.J. Dauncey, J.W. Hope, G. Lucas, J.W. Newman. R. Preece, D.C. Taylor, Mrs A.M. Toon, P.G. Turpin

In attendance: P.J. Edwards and P.E. Harling

1. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That it be recommended to Council that Councillor Brig P. Jones be appointed Vice-Chairman for the ensuing year.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D.J. Fleet, T.W. Hunt and Brig P. Jones.

3. NAMED SUBSTITUTES

Substitute	Member
Councillor Mrs A.M. Toon	Councillor D.J. Fleet

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 April 2003 be approved as a correct record and signed by the Chairman.

6. PROCEDURAL ARRANGMENTS

The Committee Manager (Statutory, Planning and Corporate) explained the procedure for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing to applicants and to the licensing officers.

7. PUBLIC ENTERTAINMENTS LICENSING – APPLICATION FOR LUCTONIANS RUGBY CLUB SUMMER BALL ON 18 JULY 2003 IN A MARQUEE AT LUCTONIANS RUGBY CLUB, KINGSLAND, LEOMINSTER – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Consideration was given to a report in respect of an application from Luctonians Rugby Football Club for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours which was set out in the Council's policies. The Principle Trading Standards Officer provided the Committee with details of the Council's policies for granting public entertainment licenses and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing.

She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld.

Mr S Green-Price presented the application by Luctonians Rugby Football Club for a finishing time of 3.30am on 18th July 2003. He said that the event had been held at the venue in previous years and that no problems had been encountered. The funds raised at the event played a very important part to enable the club to promote rugby in the area. Those invited were members of the club, their friends and relatives and no tickets would be sold on the night. As had been the case in previous years, local residents would be notified about the event in writing and the notice would be hand delivered.

At the conclusion of the appeal the applicant and the licensing officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Mr Green-Price had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. The applicant and the licensing officers were invited back to the meeting and were informed of the decision.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Luctonians Rugby Football Club in respect of their summer ball on 18th July 2003 between 8.30pm and 3.30am at Mortimer Park, Kingsland, Leominster subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;**
- (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;
and**
- (c) the local residents being notified or reminded in writing by the applicant.**

8. PUBLIC ENTERTAINMENTS LICENSING AND CINEMA LICENSING – APPLICATION FOR THE BIG CHILL FESTIVAL AT EASTNOR DEER PARK, EASTNOR CASTLE, LEDBURY – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND CINEMAS ACT 1985

Consideration was given to a report in respect of an application from Chill Fest Ltd for an Occasional Public Entertainment Licence and an Occasional Cinema Licence for a finishing times later than those which were set out in the Council's policies. The Principle Trading Standards Officer gave details of the policies and the reasons for which they were in place. She advised that the policies protected the local community and individuals from disturbance by such events and she also said that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the applications and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld. The Environmental Health Officer also gave advice to the Committee about the conditions that could be imposed regarding noise arising from the event.

Fiona Stewart presented the application on behalf of Chill Fest Ltd for a finishing time of 2.00 am on 1st and 2nd August 2003 and 1.00 am on 3rd August 2003. She asked for the opening hours to be varied to 6.00 am in respect of an Occasional Cinema License on 1st August 2003 – 3rd August 2003. She provided the Committee with details about the event and said that four full time Police Officers and forty-five professional security guards would be employed. The event had first been held at the same venue last year and had proved to be extremely successful with few problems or complaints arising. CCTV would be used around the venue and steps would be taken to minimise traffic congestion on the adjoining road network by staggering the admission period. There would be strict controls in place so that those attending would be by ticket only. She also explained that the Occasional Cinema License was for a 12ft by 12ft screen which would be located in a marquee showing films during the event. Councillor PE Harling, the Local Ward Councillor said that neither he nor the local parish council had received any complaints about the event last year, which had proved to be extremely successful for the locality by benefiting entertainment and tourism.

At the conclusion of the appeal the applicant and the licensing officers withdrew from the meeting whilst consideration was given to the applications. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Ms Stewart had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. The applicant and the licensing officers were invited back to the meeting and were informed of the decision.

RESOLVED: That

- (i) an Occasional Public Entertainment Licence be granted to Chill Fest Ltd in respect of the Big Chill Festival at Eastnor Castle Deer Park, Ledbury with a finishing time of 2.00 am on 1st and 2nd August 2003 and 1.00 am on 3rd August 2003; and**
- (ii) an Occasional Cinemas License be granted to Chill Fest Ltd at Eastnor Castle Deer Park, Ledbury to 6.00 am Friday 1st August 2003 – Sunday 3rd August 2003, subject to:**

- (a) the applicant fulfilling any conditions imposed by the Police and by the Fire Authority;
- (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;
and
- (c) the local residents being notified or reminded in writing by the applicant.

9. ENFORCEMENT OF CARAVAN SITE LICENCE CONDITIONS

The Principle Trading Standards Officer said that at its meeting in February 2003 the Regulatory Committee had approved new Caravan site Standard Licence Conditions for the County. She advised that the Environmental Health and Trading Standards Licensing unit had carried out some routine visits to determine compliance with the new Standard Conditions and that these visits had revealed a number of cases of non-compliance. She said that the main points of concern were

- a) the distances between the mobile homes were less than the 6 metres rule stipulated in condition 2.1 of the Permanent Residential Mobile Home Site Licence conditions;
- b) some mobile homes had enclosed porches contrary to condition 2.2 of the Permanent Residential Mobile Home Site Licence conditions: and
- c) sheds erected in close proximity to the mobile homes were not of a non-combustible construction contrary to 2.6 of the Permanent Residential Mobile Home Site Licence conditions.

The Committee discussed the situation that had arisen and explored the options that were available. Having considered the matter in detail the Committee agreed with several recommendations put forward by the officers and decided there was merit in a time limit being imposed for licensees to comply.

RESOLVED: That

- (a) the licensees of caravan sites be advised that they have 3 years to comply with the Council's licensing conditions in relation to;
 - mobile homes impinging into the 6 metre space,
 - combustible sheds,
 - enclosed porches.
- (b) any new/replacement caravans/sheds contravening the licence conditions will be investigated and that if the present non conformances are not rectified the licensee leaves the business at risk to any claims from persons who sustain damaged or a loss if the site has a fire outbreak as a consequence of the non conformances to the standard conditions.

10. REPORT TO RENEW THE LICENCE FEES FOR GAME DEALERS LICENSES – THE GAMING ACT 1860

The Principle Trading Standards Officer presented a report suggesting the implementation of revised licence fees for Game Dealers Licenses. The fee suggested was £25 to cover the cost of administration and enforcement work.

RESOLVED: That a licence fee of £25 be adopted for Game Dealers Licenses.

11. REPORT TO CONSIDER DELIGATING POWERS TO SET STATUTORY FEES TO THE HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

A report was presented by the Head of Environmental Health and Trading Standards suggesting that the licenses issued by the Environmental Health and Trading Standards Department which had their fees determined by Statute, should be set by him rather than having to be referred to the Committee. The Committee concurred with his proposals.

RESOLVED: That the Head of Environmental Health and Trading Standards be authorised to set the statutory fees in respect of licenses that are issued by the Environmental Health and Trading Standards Department.

12. PUBLIC ENTERTAINMENTS LICENSING – APPLICATION FOR EARDISLEY AND DISTRICT YOUNG FARMERS CLUB SUMMER BALL ON 21 JUNE 2003 IN A FARM BUILDING, WILLERSLEY COURT FARM, WILLERSLEY, NR EARDISLEY, HEREFORDSHIRE – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Consideration was given to a report in respect of an application from Eardisley and District Young Farmers Club for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours which was set out in the Council's policies. The Principle Trading Standards Officer provided the Committee with details of the Council's policies for granting Public Entertainments Licenses and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Police and the Fire Authority had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld. .

A representative of the Eardisley and District Young Farmers Club was not present at the meeting to present the appeal but the Committee decided that in view of the circumstances and previous good record of the applicants that the application should be granted.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Eardisley and District Young Farmers Club in respect of their summer ball on 21 June 2003 at Willersley Court Farm, Willersley, Eardisley, Herefordshire until 2.00 am subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;
- (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;
and
- (c) the local residents being notified or reminded in writing by the applicants.

The meeting ended at 3.20 pm

CHAIRMAN

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

5 PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPENING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CHAIRMANS BALL ON FRIDAY 6TH SEPTEMBER 2003 IN A MARQUEE AT GILLOW FARM, HAREWOOD END, HEREFORD.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Wilton

Purpose

1. To determine whether to grant a finishing time later than the current policy of 0100 hours for an occasional public entertainment.

Background

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present: this includes fire safety and some health and safety matters
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application

- (b) Make such variations as they think fit, including subject to the four categories above. Impose terms, conditions or other restrictions other than those specified or
- (c) Refuse the application

Conditions

3. Amongst the various Conditions and Regulation there are specific ones which related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for public entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 0100 (Monday to Saturday)	In respect of premises that <u>do not</u> have the benefit of a liquor licence under the Licensing Act 1964
---------------------------------------	-------------------------------------------------------------------------------------------------------------

The application for deviation from policy

4. Tracey Lloyd on behalf of the Herefordshire Young Farmers requests a variation of the licence condition to extend the opening entertainment hours from 0100 to 0200. The intended venue for this event is a marquee of people with 800 tickets available at Gillow Farm, Harewood End, Hereford.

Issues

- 5. The main cause of concern to the Police and ourselves is the potential for disturbance to others. The 0100 hours finishing time is a policy designed to limit the intrusive effects of events and has worked well over the years supported by and with the co-operation of the police.
- 6. This is a one off event, we have no problem with granting a licence until 0100 hours, whether this event should be allowed to finish later than 0100 is a matter for consideration
- 7. The Council in the past has dealt with such applications for deviation from policy and to allow many of them to terminate at times later than the 0100 hours but impose special conditions designed to minimise the chances of nuisance occurring. (The special conditions imposed can be found in appendix 1)
- 8. The Police were consulted and state

They have no objections

9. The fire brigade was consulted and state

This applicant must ensure that the following is maintained in good working order at all times:-

Means of escape
Emergency lighting
Fire alarm
Fire fighting equipment

As a guide there should be at least 6 stewards or attendants, who should be instructed as to their duties in an emergency and they should be available when required.

10. Environmental Health had no objections

Options

- to grant the extended hours
- to grant the extended hours and impose conditions
- to refuse the extended hours
- or come to some other conclusion



LOCATION PLAN - GILLOW FARM

SCALE 1:5000



Herefordshire Council
 EHTS
 PO Box 233
 Hereford
 HR1 2ZF
 Tel.: (01432) 260000
 Fax.: (01432) 261982

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE

Please read the guidance notes when completing this application form.

APPLICANT 1 DETAILS NAME Tracey Lloyd ADDRESS The Birches Wormbridge, Hereford HR2 9ED TEL NO 01981 251600 (work) 01981 570294 (home) HAVE YOU PREVIOUSLY HELD A PUBLIC ENT. LICENCE? YES/NO IF YES, WHEN & FOR WHERE? (if more than 1, please give last event) 24 May Ballingham Hall YFC Rally	APPLICANT 2 DETAILS NAME Chris Lloyd ADDRESS The Birches, Wormbridge Hereford, HR2 9ED TEL NO 01981 570294 HAVE YOU PREVIOUSLY HELD A PUBLIC ENT. LICENCE? YES/NO IF YES, WHEN & FOR WHERE? (if more than 1, please give last event) 1995 Kentchurch Court
KEYHOLDER'S DETAILS on above	

VENUE DETAILS

DESCRIPTION OR NAME OF VENUE Gillow Farm, Harewood End, Hereford
HR2 8LE

TYPE OF VENUE (e.g. pub, hall, farm, field, etc.) Marquee in field

HAS A PUBLIC ENT. LICENCE BEEN PREVIOUSLY GRANTED FOR THIS VENUE? **YES/NO/ DON'T KNOW** IF YES, WHEN & FOR WHAT PURPOSE?
(if more than 1, please give last event)

Note: performance of plays requires a Theatre licence

EVENT DETAILS

PURPOSE(S) (e.g. dance, music only, sport, etc.) chairman's Ball - (Dance)

NUMBER ATTENDING 800 approx DATE 6/9/03 TIME(S) 9pm : 2am (i.e. start & finish)

NUMBER ATTENDING DATE TIME(S) (i.e. start & finish)

NUMBER ATTENDING DATE TIME(S) (i.e. start & finish)

IS A LIQUOR LICENCE IN FORCE? **YES/NO** IF NO, WILL ONE BE SOUGHT? **YES/NO**

IF A LIQUOR LICENCE IS TO BE SOUGHT, WHO WILL APPLY FOR IT? Frank Simcock, Ravale, Stoke Loay, Bonyard
(please provide name & address what type of Licence e.g. whether Special Hours Certificate/Extended Hours Order/Special Order of Exemption obtained. If so, please attach copy) Hereford HR7 4HZ

NOTE: While the Council has the power to licence musical entertainments on Sundays under the Sunday Entertainment Act 1932, the Sunday Observance Act 1780 prohibits the use of premises for public dancing on a Sunday where there has been a charge for admission.

I/We, the undersigned, HEREBY APPLY for the grant of an Occasional Public Entertainment Licence and declare that all the above details are to the best of my/our knowledge correct and that copies have today been sent to the police, fire authority and Licensing Justices.

Signed: T. Lloyd Date: 22/6/03

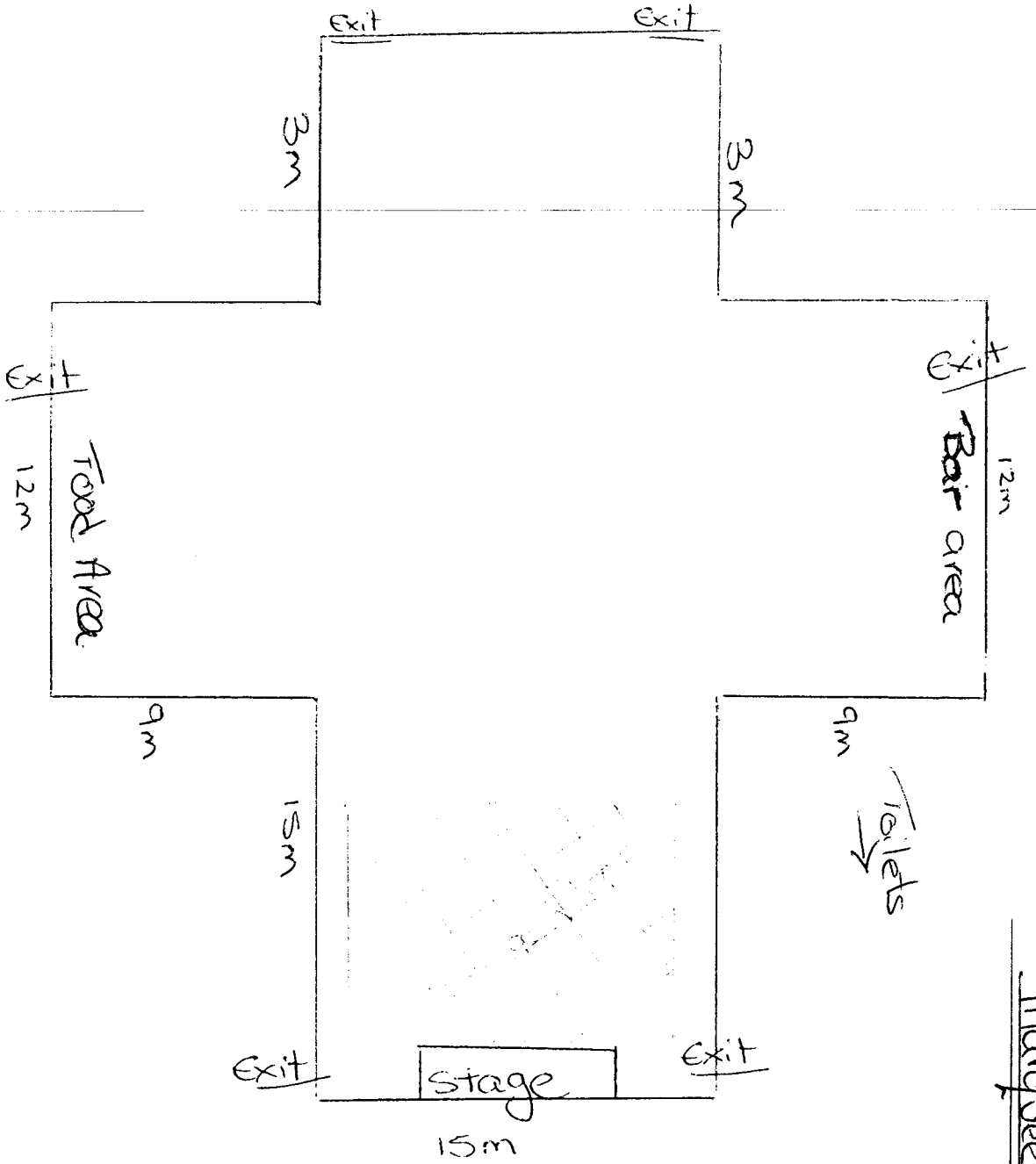
Signed: C. Lloyd Date: 22.6.03

Receipt No 228024 Fee £160.00 Date 30/6/03 Income Code N8000 9362

Rest to follow



↙ Carpark



Chairman's Ball 6/9/03 (Willow Farm)

Marquee layout



Hereford Division
Police Station, Bath Street, Hereford HR1 2HT
Tel: 01432 276422 Ext 4733 Fax: 01432 279006

Ref:

Herefordshire Council
(For the attention of Mrs J ACASTER)
Council Offices
Bath Street
HEREFORD
HR1 2HT

Dear Jane

REF; OCCASIONAL PUBLIC ENTERTAINMENT LICENCE
GILLOW FARM ,HAREWOOD END, HEREFORDSHIRE

I write to confirm there are no police objections to the application for an Occasional Public Entertainment Licence, for the above named premise.

S G Thomas
PC 697
Licensing Officer





Hereford and Worcester Combined Fire Authority

Hereford and Worcester Fire Brigade

West District, St. Owen Street,
Hereford HR1 2JW

D.J. O'Dwyer QFSM, MA, DMS, MIFire E
Chief Fire Officer / Chief Executive

Environmental Health & Trading
Standards
PO Box 233
Bath Street
Hereford
HR1 2ZF
For the attention of Mrs Acaster

Telephone 01432 274561 FAX 270298
Your Reference
My Reference D23/367125/SDF/RP/gillow
Please ask for Sub Officer Farr
Date 9 July, 2003

11 JUL 2003

Dear Sirs,

Application for an occasional Public Entertainment Licence
Marquee in field at Gillow Farm, Harewood End, Hereford, HR2 8LE

The above application is considered to have sufficient fire exits.

This applicant should be reminded that it is their responsibility to ensure that the following is maintained in good working order at all times:-

Means of escape
Emergency lighting
Fire alarm
Fire fighting equipment

As a guide there should be at least 6 stewards or attendants, who should be instructed as to their duties in an emergency and they should be available when required.

I am sending a guidance note, which should be of assistance to the applicant.

If you require any further assistance, please do not hesitate to contact me.

Yours faithfully,

SUB OFFICER FARR



"Hereford and Worcester Combined Fire Authority
will provide a professional and dedicated Fire Brigade
responsive to visitors and residents of
Herefordshire and Worcestershire."

**6 PUBLIC ENTERTAINMENTS LICENSING VARIATION
TO EXTEND THE OPENING HOURS BEYOND THE
HOURS SET BY COUNCIL POLICY FOR KING
CHARLES II, 13 BROAD STREET, ROSS ON WYE.**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Ross on Wye West

Purpose

1. To consider an application to vary opening hours for an Annual Public Entertainment Licence that requires a finishing time later than the current policies of 23:30..

**Legislation – Local Government (Miscellaneous Provisions)
Act 1982**

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application
- (b) Make such variations as they think fit, including subject to the four categories above.
- (c) Impose terms, conditions or other restrictions other than those specified or

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

- (d) Refuse the application

Regulations/Conditions

3. Amongst the various Conditions and Regulation there are specific ones which related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for public entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 2330 (Monday to Saturday)	In respect of premises that have the benefit of a liquor licence under the Licensing Act 1964
1100 until 2230 (Sundays)	For MUSICAL entertainment only in respect of all types of premises

Background

4. On the 8th April 2003 the Regulatory Committee heard an application from King Charles II to extend their opening hours to 0100 Monday to Sunday. A number of objections were made by local residents and businesses (see attached). After considering this application the Regulatory Committee granted an opening time of 1200 (midnight) for Friday and Saturdays.

The Application for Deviation from Policy

5. Andrew Gooding and Paul Neades of King Charles II, Broad Street, Ross on Wye request a variation of the licence conditions to extend the Annual licence opening entertainment hours from:-

Current closing hours	Requested closing hours
Thursdays 11pm	1am
Friday 12pm	1am
Saturdays 12pm	1am
Sundays 10:30pm	12:30am

Issues

6. The Police were consulted and had no objections to the variation of hours
7. The Fire brigade were consulted and stated:-

The occupier should be reminded that it is their responsibility to ensure that the means of escape, the emergency lighting, fire alarm and fire fighting equipment be maintained in good working order at all times and appropriate records kept.

As a guide it is considered that the maximum number of persons allowed in the premises should be 180.

There should be at least 3 stewards or attendants, who should be instructed as to their duties and available whilst members of the public are on the premises.

8. Environmental Health and Trading Standards were consulted and recommend a refusal of the application. The premises is in an area close to residential development and a later closing time may cause complaint. Recently the Regulatory Committee determined the extension to midnight on certain days and this seems appropriate. Even so this time should be monitored to establish the impact on the change of hour.

Options

- 9.
- to grant the extended hours
 - to grant the extended hours and impose conditions
 - to refuse the extended hours
 - or come to some other conclusion



Sent 22/5/03

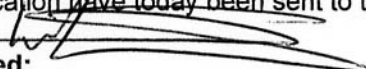
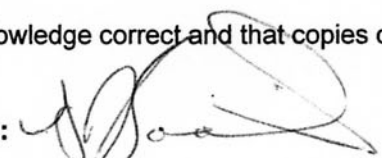
DEUA/334

APPLICATION FOR VARIATION OF PUBLIC ENTERTAINMENT LICENCE

To:
The Licensing Section
Herefordshire Council
P.O.Box 233
Hereford
HR1 2ZF

£200 FEE

JUN 2003
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

<p>1. Licensee Details 1.</p> <p>Name: PAUL NEADES Address: KING CHARLES II 13 BROAD ST. ROSS ON WYE HEREFORDSHIRE Post Code: HR9 7EA Tel. No. (Home) 01989 562039 (Work) " " " "</p>	<p>Licensee details 2. (if applicable)</p> <p>Name: MR ANDREW GOODING Address: KING CHARLES II 13 BROAD ST ROSS ON WYE HEREFORDSHIRE Post Code: HR9 7EA Tel. No. (Home) " " " " (Work) 01989 562039</p>
<p>2. Nature of variation.</p> <p>EXTEND OPENING HOURS FROM: THU 11pm TO 1am FRI 12pm TO 1AM SAT 12pm TO 1AM SUN 10 30pm TO 12-30 AM</p>	<p>A: Proposed maximum numbers of persons allowed on premises on completion of works.....180.....</p> <p>B: Proposed sanitary accommodation to be provided.</p> <p>Male: WCs.....1..... Urinals.....3..... Basins.....1..... Female: WCs.....2..... Basins.....1.....</p>
<p>3. Address of Premises</p> <p>THE KING CHARLES II 13 BROAD ST. ROSS ON WYE HEREFORDSHIRE</p>	<p>Tel. No. 01989 562039</p>
<p>Fee payable: £.....200.....00</p>	
<p>I/WE, the undersigned, HEREBY APPLY for the Variation of the Public Entertainment Licence in force for the above premises.</p> <p>I/WE DECLARE THAT all the above details are to the best of my/our knowledge correct and that copies of this application have today been sent to the Police and the Fire Authority.</p> <p>Signed:  Signed: </p> <p>Date: 23/5/03 Date: 23/5/03</p>	
<p>PLEASE ENSURE THAT YOU HAVE</p> <p>1. SIGNED THE FORM 2. ATTACHED THE CORRECT FEE 3. ENCLOSED PLANS (EXISTING AND PROPOSED) 4. SENT COPIES TO THE POLICE AND FIRE AUTHORITY</p> <p>PLANS ARE AS SEEN IN APRIL →</p>	

Please return this copy to the address at the top right of this letter

Receipt No 216185 Fee £200 Date 11-6-03 Income Code N8000 9362



Hereford and Worcester Combined Fire Authority

Hereford and Worcester Fire Brigade

West District, St. Owen Street,
Hereford HR1 2JW

D.J. O'Dwyer QFSM, MA, DMS, MIFire E
Chief Fire Officer / Chief Executive

Environmental Health & Trading Standards
PO Box 233
Bath Street
Hereford
HR1 2ZF
For the attention of Mrs Acaster

Telephone 01432 274561 FAX 270298
Your Reference
My Reference GKB/RP/D21/153143/kingcharles2
Please ask for Station Officer Blanch
Date 25th June 2003

Dear Sirs

Application for Variation of Public Entertainment Licence
Local Government (Miscellaneous Provisions) Act 1982
The King Charles II, Broad Street, Ross-on-Wye, Herefordshire

The above premises are considered to have adequate standards of fire safety.

Providing the premises have remained unaltered, the existing fire precautionary arrangements are deemed to be satisfactory without the need to carry out a physical re-inspection.

The occupier should be reminded that it is their responsibility to ensure that the means of escape, the emergency lighting, fire alarm and fire fighting equipment be maintained in good working order at all times and appropriate records kept.

As a guide it is considered that the maximum number of persons allowed in the premises should be **180**.

There should be at least **2** stewards or attendants, who should be instructed as to their duties in an emergency and available whilst members of the public are on the premises.

Should you require any additional advice please do not hesitate to contact me.

Yours faithfully

FIRE SAFETY OFFICER



"Hereford and Worcester Combined Fire Authority
will provide a professional and dedicated Fire Brigade
responsive to visitors and residents of
Herefordshire and Worcestershire."



Hereford Division

Licensing Unit, Police Station, Bath Street, Hereford HR1 2HT

Tel: 01432 276422 Ext 4733 Fax: 01432 279006

Ref: ST/AW

11 JUNE 2003

Mrs J Acaster
Licencing Officer
Herefordshire Council
Bath Street
HEREFORD.

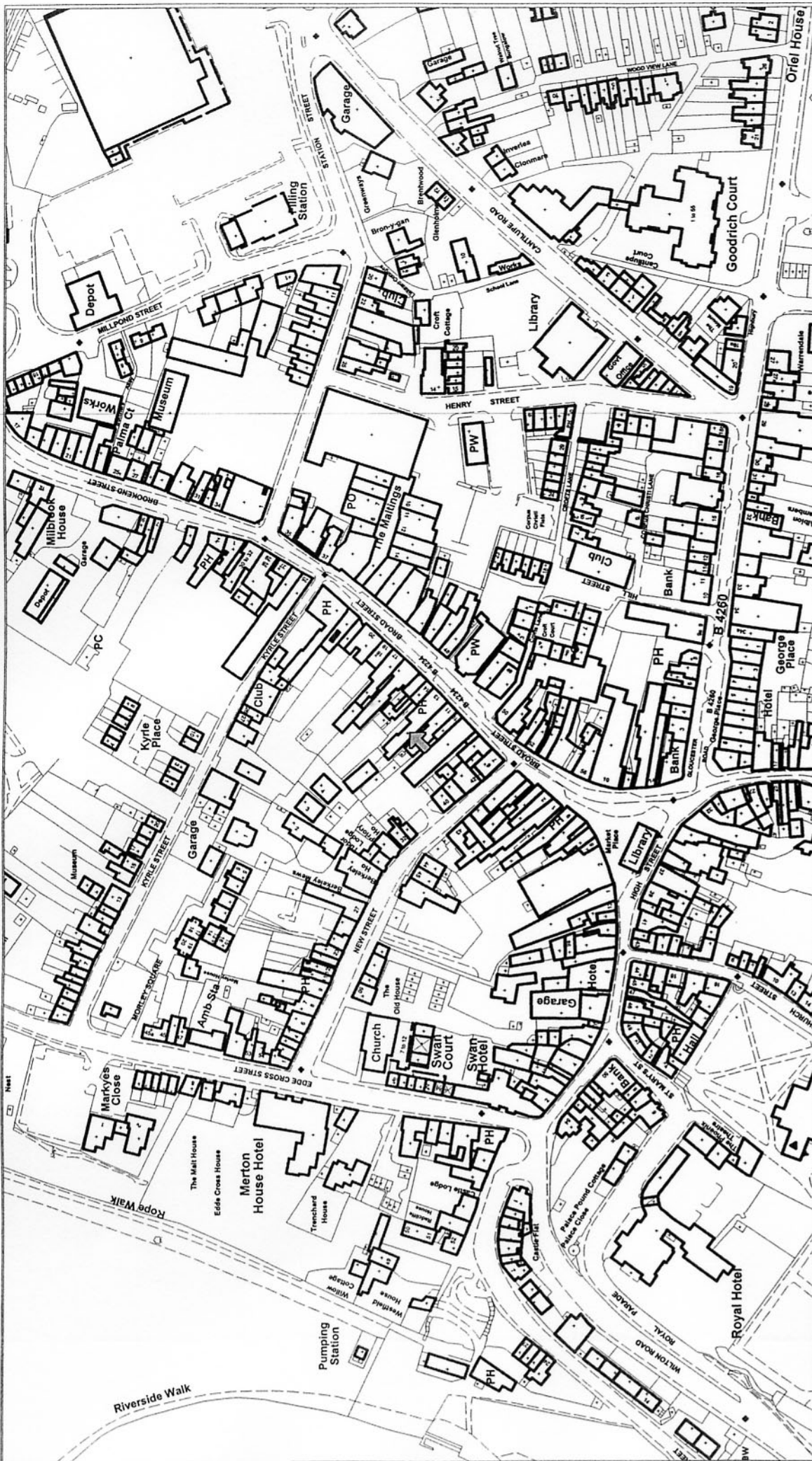
APPLICATION FOR VARIATION OF PUBLIC ENTERTAINMENT LICENCE
KING CHARLES, 13 BROAD STREET, ROSS ON WYE

With reference to the above application, we write to confirm there are no police objections.

Yours faithfully

S THOMAS
PC697
LICENCING DEPT.





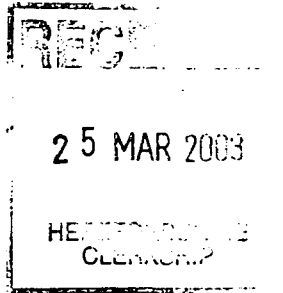
Herefordshire Council
 EHTS
 PO Box 233
 Hereford
 HR1 2ZF
 Tel.: (01432) 261675
 Fax.: (01432) 261982

LOCATION PLAN - King Charles II, Broad St., Ross-on-Wye

SCALE 1:1250



The Barrel Inn
Ross-on-wye
Herefordshire
HR9 7ED



23.3.03.

Dear Sirs

COPY

Re: Application relating to the
King Charles II
Ross-on-wye, Herefordshire.

As a member of the public and a partner of a licensed premises - The Barrel Inn, I would like to object to the application on the grounds, that the town does not need the King Charles becoming a night club.

Broad street is a one way street, where most of the busy licensed premises are.

There is also alot of residential parking on each side which means access is limited.

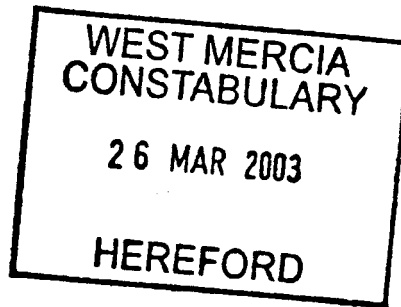
On the subject of the Police, they have enough pressure on the streets and do not need the added strain of another late night premises. This must be the primary consideration and Law and order must be Paramount when making a decision on this application

Yours Sincerely

OUR REF: SSP/JB/Danter
YOUR REF:
DATE: 25 March 2003

SOLICITORS, ADVOCATES AND
COMMISSIONERS FOR OATHS

The Licensing Officer
West Mercia Constabulary
The Police Station
Bath Street
HEREFORD
HR1 2HT



2 Church Street, Ross-on-Wye
Herefordshire HR9 5HW
TELEPHONE: 01989 562903
Facsimile: 01989 566041
DX: 22484 Ross-on-Wye

Dear Sir,

Re: Application relating to the King Charles II, Broad Street, Ross-on-Wye, Herefordshire

We act for Mrs Jacqui Danter, who is the proprietor of Jacqueline's Nightclub in Broad Street, Ross-on-Wye, Herefordshire..

We understand that an application for extended hours has been made on behalf of the King Charles II public house premises in Broad Street, Ross-on-Wye. We believe it is the intention of the landlord to open a nightclub on the premises. Our Client is concerned that the application may be considered on the basis that the existing provision for nightclubs in Ross-on-Wye is about to cease and there will therefore be an absence of late night entertainment for residents and visitors to Ross-on-Wye.

We are instructed that Jacqueline's Nightclub remains open and will do so for the foreseeable future. There is no imminent transaction relating to its sale or transfer. Mrs Danter proposes to continue to provide a nightclub in Ross-on-Wye for some considerable time, as she has done successfully and without problem for a number of years.

We hope this clarifies the situation for the Justices.

Yours faithfully,

THORPE & THORPE

c.c. The Clerk to the Licensing Justices, Hereford Magistrates Court

PARTNERS: John Martlew M.A. LL.M. John Conway LL.B (Hons) Simon Hett LL.B.
SOLICITORS: Stephanie S Pearce LL.B (Hons) Dianne H Pearson LL.B (Hons) **Member of the Family Law Panel**
Nicolas W Morrow-Brown BA (Hons) **Member of the Family Law Panel** Gemma Duckworth LL.B

MANAGERS: P.M. Stockton PROBATE

ASSOCIATE CONVEYANCING SOLICITOR: Stephen Harris BA
LEGAL EXECUTIVE: Eunice M Hope FILEx Catherine Hartley BA FILEx
Also at: 2 High Street, Cinderford (Tel: 01594 823205) and
30 Cambay Place, Cheltenham (Tel: 01242 233917) as John Martlew & Co

This firm is regulated by The Law Society in the conduct of Investment Business

Raglan House
17, Broad Street
Ross-on-Wye

COPY



The Clerk of the Court
Licensing Administration
Bath Street

Hareford
HE1 2HE,

Dear Sir,

We the undersigned would like to register our objection the extension of licensing hours proposed by the King Charles II public house in Broad Street, Ross-on-Wye. In our opinion the noise nuisance is already too high and the incidence of street violence is detrimental not only to residents but also to tourists staying overnight. We think that 11pm is late enough.

B. Downing Raglan House.

Plyer T. ROGERS OAT CUISINE.

~~John~~ A. CORROWAN

45 Broad St

John. K.E. LITTLE

48 BROAD ST

D.A. & L.M. Williams 29

42 New Street.

Pat Ambery

Donna COOKE

LIZ CURTIS

P.O. James

40 NEW STREET.

33 NEW STREET.

41 NEW ST.

OLD COACH HOUSE

26/3/03.

Mr G Brace,
15, Quarry Close,
Ross-on-Wye
Herefordshire.

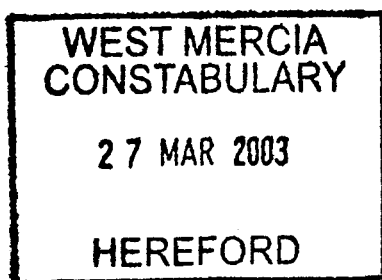
Dear Sir

I would like to object against the application being made for a late night licence for the King Charles II Public House Broad Street Ross-on-Wye.

As a member of the public, who was born and lived in Ross-on-Wye all my life, on a few occasions I have gone into the King Charles and I have observed that the patrons in there were far too young to be on licenced premises. It felt more like a Youth Club than a Public House.

The present Management don't seem to be in control of the premises and have had on a number of occasions I have noticed a disturbance where the Police + Ambulance have been called. On granting a late night licence would only bring more disruption to the town.

It would put an added strain on our local Police Presence to control



G W Brace

15 Walford Road,
Ross-on-Wye,
HR9 5PX

26th March, 2003

Police Licencing Clerk,
Bath Street,
Hereford,
HR1 2HT

Dear Sirs,

Re: King Charles II, Broad Street, Ross-on-Wye

I believe that the above Public House has applied for extended hours of opening, until 1.00am, 7 days a week. In effect, to operate as a nightclub.

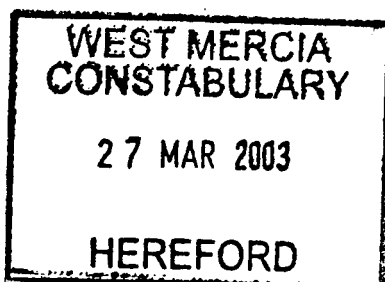
As a resident of Ross-on-Wye, I have had many nights out in the King Charles. I feel that it just is not big enough for a nightclub. When it is crowded and a scuffle breaks out there is nowhere to escape to because it is so narrow. I know this because it once happened when I was there and I got thrown against the side of the bar and could not get out.

I object to their application most strongly.

Yours sincerely,

A.M. Randell

A.M. Randell (Mrs)



7TH APRIL 2003

10 APR.

R. A. and J. WRIGHT
2 BERKELEY MEWS
NEW STREET
ROSS-ON-WYE
HEREFORDSHIRE HR9 7DA
01989 768012

2 BERKELEY MEWS
ROSS-ON-WYE
HEREFORDSHIRE
HR9 7DA

7/04/03.

DEAR SIR,

KING CHARLES II – BROAD STREET
ROSS-ON-WYE

I SEE FROM AN ARTICLE IN THE HEREFORD TIMES THAT AN APPLICATION HAS BEEN MADE BY THE ABOVE FOR A LICENCE TO EXTEND THE HOURS OF DRINKING/DANCING/MUSIC TO 1AM .

IS IT NOT THE CASE THAT LOCAL RESIDENTS LIKELY TO BE AFFECTED BY PROPOSED DEVELOPMENTS SHOULD BE NOTIFIED AND GIVEN THE OPPORTUNITY TO COMMENT?

THERE ARE THOSE OF US IN BERKELEY MEWS AND NEW STREET THAT ALREADY ENDURE THE THUMP, THUMP, THUMP OF THE MUSIC WELL INTO THE NIGHT TO BE FOLLOWED BY THE SHOUTING/SINGING/SWEARING OF THE REVELLERS.

IF THE GRANTING OF THIS LICENCE WILL CREATE FURTHER SIMILAR CONDITIONS THEN IT IS A DAUNTING PROSPECT.

YOURS TRULY,



J & R WRIGHT.

41 New Street,
Roth-on-Wye
HR9 7DA.

Susan Haughtland

Licensing
P.O. Box 233
Hereford HR1 2HE

Dear Ms Haughtland

Re: The King Charles II
Broad St. Roth-on-Wye.

Further to our telephone conversation today and to substantiate the petition you already hold objecting to the proposed extension of licensing hours at the above premises, I would like to reiterate some of the points already made.

The Charles II is surrounded by residential premises and when they have live music the noise can be heard very clearly inside our homes. If they are extending their licensing hours then I anticipate that the live music i.e. the number of days when we have to put up with this will increase.

Even more worrying though is what happens when customers leave in the early hours of the morning.

Friday and Saturday nights are a nightmare for in town Ross residents. Groups of people marauding up and down Broad Street, shouting, screaming, smashing windows & bottles. The police presence is virtually nil and these, often very drunk, groups and gaggles of people have the run of the town. I can only anticipate that two nights a week of hell will rise to seven nights a week.

With so little police presence and some publicans who do not seem to care how drunk their clients are before they tip them out on to the streets, plus what would probably be more noise from live bands we would be grateful if our views could be taken into account before the proposed extension of licensing hours is permitted.

Yours sincerely
Elizabeth CURTIS
(MRS)

35

7 DRAFT LICENSING POLICY - THE LICENSING ACT 2003**Report By: Director of Environment****Wards Affected**

County-wide

Purpose

1. To consider the adoption of a draft licensing policy to be used by the Council from April 2004 in respect of the transfer of liquor and other such licensing from the Magistrates' Court to the local authority.

Law

2. The Licensing Act 2003 is likely to receive Royal Assent in the course of the next month or so. From April 2004 it is proposed within the Act that local authorities will have responsibility for the licensing of all liquor licensing, gaming permits, public entertainment licenses and cinema licenses within the geographical area administered by the authority.

Background

3. The Licensing Act 1964 currently regulates the granting of justices on and off licenses for the sale of intoxicants by retail throughout England and Wales. Currently, Magistrates' Courts are the appropriate forum for the administration of the Licensing Act 1964. The current Act provides a framework for the administration of the licensing system through the licensing both of individuals to sell intoxicants and also the suitability of premises to be used for such sales. This covers a multitude of outlets including off licences, supermarkets, corner shops, public houses and clubs. At present the local authority issues public entertainment licenses for dancehalls and similar establishments. The Licensing Act 2003 proposes that all licensing activities, including liquor licensing, cinema licensing and public entertainment licences will vest with the local authority.
4. Currently, each bench of magistrates has their own licensing policy to enable them to fairly and evenly administer the Licensing Act 1964 within their jurisdiction. It is incumbent upon the local authority to prepare its own licensing policy for when it assumes the responsibility for the licensing function. In consequence, to allow a smooth transfer of function, regard has been made to the existing licensing policy of the West Mercia Magistrates' Court Service together with the new requirements and phraseology of the Licensing Act 2003.
5. At this stage, the draft policy has been prepared in consultation with those departments which are likely to have close links with the proposed administration of licensing duties by the authority, such as planning services, member services and trading standards.

Further information on the subject of this report is available from
Kevin O'Keefe, Legal Practice Manager on (01432) 260005

6. Should the draft receive members approval, it will be circulated to external consultees including the West Mercia Constabulary, the Hereford and Worcester Combined Fire Authority and representatives of the licensing trade. Following that consultation process, any observations and comments will be again brought forward for members consideration.

RECOMMENDATION

- THAT (a) the draft policy be noted and approved for circulation to external consultees; and**
- (b) the Regulatory Committee note that it will be necessary for a Licensing Sub-Committee to be formed and members of that sub-committee receive appropriate training in respect of the new duties to be conferred upon the authority.**

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

DRAFT LICENSING POLICY

1. Introduction and Overview

- 1.1 The County of Herefordshire District Council (hereinafter “the Council”) is responsible for the licensing of licensable activities as defined in the Licensing Act 2003 (hereinafter “the Act”) within Herefordshire. This policy document sets out the policies that the Council will apply when making decisions upon applications received for:-
- a. The sale by retail of alcohol;
 - b. The supply of alcohol by or on behalf of a club to or to the order of member of the club;
 - c. The provision of regulated entertainment;
 - d. The provision of late night refreshment.
- 1.2 The policy takes into account DCMS guidance to Local Authorities, Central Government’s alcohol harm reduction strategy and is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1992 and the Anti-social Behaviour Act 2003.
- 1.3 The Council has a duty under the Act to exercise its functions with a view to promoting the four licensing objections, which for the avoidance of doubt are:
- ◆ The prevention of crime and disorder
 - ◆ Public safety
 - ◆ The prevention of public nuisance
 - ◆ The protection of children from harm
- 1.4 This policy is made after consultation with;
- a. The Chief Officer of Police;
 - b. The Hereford and Worcester Combined Fire Authority;
 - c. Bodies representing local holders of premises licences;
 - d. Bodies representing local holders of club premises certificates;
 - e. Bodies representing local holders of personal licences;
 - f. Bodies representing bodies business and residents in the Council’s locality.
- 1.5 The purpose of this policy document is to assist both officers and members in arriving at decisions on particular applications, setting out those matters that will normally be taken into consideration. Additionally, the policy document seeks to provide clarity for applicants, residents and other persons interested in or occupying property to enable

them to make plans to move, remain or invest in the communities of Herefordshire with some measure of certainty. Whilst the Council has adopted this policy, this is the general approach that the Council will take in considering applications. However, the Council recognises that each application will always be considered on its individual merits.

- 1.6 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of regulated entertainment in a way which ensures public safety and which is neither to the detriment of the residents, nor gives rise to loss of amenities. It is the Council's wish to facilitate well run and well managed premises with licence holders displaying sensitivity to the impact of their premises on local residents and the community.

2. Cumulative Impact

- 2.1 The Council will assess the cumulative impact of licensed premises on the promotion of the licensing objectives set out in 1.3. It is important however that this issue is not confused with the perceived "need" for the premises which is a judgement relating to commercial demand for a particular public house, restaurant or similar venture. The issue of "need" is therefore a matter for planning consideration or for market forces to decide and does not form part of the licensing policy statement.
- 2.2 The Council may refuse individual licenses if representations are received from either a responsible authority or an interested party as defined in the Act, or that the cumulative impact of new licenses is leading to an area becoming saturated with premises of a particular type, thereby making it a focal point for large groups of people to gather thereby creating exceptional problems of disorder and/or nuisance which out weights the impact from the individual premises themselves. In all such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.
- 2.3 Where representations are made by an interested party or responsible authority the Council will consider, inter alia:
- a. Identifying an area from which problems are arising and the boundaries of that area.
 - b. Adopting a policy about future applications for premises within that area;
 - c. Making an assessment of the causes;
 - d. Gathering evidence and identifying serious and chronic concern from a responsible authority or local residents about nuisance and disorder.
- 2.4 Where such representations are made, it shall be for the responsible authority or interested party making those representations to prove any assertion that the licensing of the premises concerned would cause the cumulative impact claimed.
- 2.5 The Council are cognisant of the fact that licensing is not to be the sole or only means of addressing problems caused by unruly or anti-social behaviour. Other mechanisms include:
- a. Planning controls;

- b. Powers of local authorities to pass bylaws controlling the consumption of alcohol in public places;
- c. Police powers to close premises or temporary events on grounds of disorder or likelihood of disorder or excessive noise;
- d. The prosecution of personal licence holders who sell alcohol to customers who are drunk;
- e. The powers of the police, local businesses or residents to demand a review of a licence.

3. Relationship with the Planning Process

- 3.1 All premises for which a licence is required must have a suitable authorised use under planning legislation. For example:
 - a. “Use for the sale of food and drink for consumption on the premises or of hot food for consumption off the premises” (use Class A3);
 - b. Retail shop licensed for the sale liquor (use Class A1);
 - c. A hotel which has a restaurant or bar included in its authorised use (use Class C1).
- 3.2 The Council's planning policies are set out in its UDP. Additionally, Government guidance in the form of planning policy guidance notes (PPG's) and regional planning policy guidance notes (RPG's) are relevant. The purpose of the policies is to ensure that the Council, as local planning authority gives considerable weight to the policies in order to cause consistency in decision making.
- 3.3 All applications for premises or club premises licences will normally only be considered where:
 - a. The activity to be authorised by the licence is a lawful planning use, and;
 - b. The hours sought in the licence do not exceed those authorised by any planning permission.

4. Licensing Hours

- 4.1 The Council recognises that fixed licensing hours can lead to disturbance and disorder when large numbers of people leave licensed premises at or about the same time. Longer and more flexible licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing the possibility of disorder and friction at late night fast food outlets, taxi ranks, bus stops and other areas where incidents of disorder and disturbance have historically occurred. With regard to shops, stores and supermarkets these will be free to provide the sale of alcohol for consumption off the premises only when the retail outlet is open for shopping unless a responsible authority or interested party can show cause why more stringent conditions should be imposed.
- 4.2 The Council in deciding whether to issue a licence will consider each application on its merit, however stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in predominantly residential areas. The Council does not intend any form of “zoning” to be introduced as research has shown this can lead to significant migration of people across zonal boundaries in search of premises which remain open for longer hours which can of itself put stress on town and city centres.

5. Licensed Premises and Children

- 5.1 The Council recognise that there are numerous and diverse premises for which licenses may be sought. Such premises may include cinemas, public houses, nightclubs, takeaway bars, community halls and restaurants. Access by children to all types of the premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm. Whilst the Council will decide each application on its own individual merits, examples which might give rise to concern would include premises;
- a. Where there has been a known association with drug taking or drug dealing;
 - b. Where there is a strong element of gambling taking place;
 - c. Where entertainment is provided of an adult or sexual nature;
 - d. Where there have been convictions for the serving of alcohol to persons under the age of 18;
 - e. Where there is a reputation for under age drinking.
- 5.2 In the case of premises which are used for film exhibitions (such as cinemas) conditions will be imposed restricting access only to those who meet the required age limit in which any certificate granted by the British Board of Film Classification. Where a large number of children are likely to present on any licensed premises (e.g. for the showing of a film predominantly aimed at children or a pantomime) then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and the protection of children from harm. Suitable options for limiting access by children to licensed premises might include;
- a. A limit on the hours when children may be present;
 - b. A limitation or exclusion when certain activities take place;
 - c. The requirement to be accompanied by an adult;
 - d. Access limited to parts of the premises, but not the whole;
 - e. An age limitation (for under 18).
- 5.3 The Council will not impose any condition to the effect that children must be admitted to any given premises.

6. Conditions of Licence

- 6.1 The Council recognises that it may be necessary for conditions to be imposed on any licence which are tailored to the individual style and characteristics of the premises and events concerned. The Council does not propose to implement standard conditions of licence uniformly across its area, but instead will draw upon a model pool of conditions issued by the DCMS and attach conditions as appropriate given the circumstances of each individual application. The model conditions will include inter alia Guidance issued surrounding crime and disorder; public safety; cinemas and fire safety; public nuisance and the protection of children from harm.

7. Enforcement

- 7.1 The Council has already established joint inspections of premises together with the West Mercia Constabulary and the Hereford and Worcester Fire Service. It is proposed to

continue such inspections to ensure the prevention of crime of disorder and the safety of the public. Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.

8. Films

- 8.1 No film shall be exhibited at any licensed premises, which is likely to;
- a. Lead to public disorder, or;
 - b. Stir up hatred or incite violence towards any section of the public on grounds of colour, race, ethnicity, or national origin, disability or religious beliefs, sexual orientation or gender.
- 8.2 If the Council decides that a particular film in the opinion of the Council falls into any of the above categories and may not be shown, the Council's decision is final in that respect.

9. Live Music, Dancing and Theatre

- 9.1 The Council recognises as part of implementing its cultural strategy, proper account shall be taken of the need to encourage and promote live music, dancing and theatre for the cultural benefit of the wider community. Conditions imposed on relevant licences will not discourage the promotion of such entertainment, but will relate solely to the promotion of the licensing objectives.

10. Terminal Hours

- 10.1 When considering applications for premises licences, the Council will take into account applicants requests for terminal hours in the light of:
- a. Environmental quality;
 - b. Residential impact and amenity;
 - c. The character and nature of a particular area;
 - d. The nature of the proposed activities to be provided at the premises.
- 10.2 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above matters. The Council may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.

11. Capacity

- 11.1 Fire safety certificate should impose number restrictions for individual premises. The Council may impose conditions in relation to the maximum number of persons to attend premises where;
- a. It considers it to be necessary for the purpose of crime and disorder, and;
 - b. If the fire safety certificate was issued prior to any licence/activity taking place at the premises.

11.2 In those circumstances the Council may impose a maximum number of persons to be in the premises at any one time to ensure the safety of those persons at the premises and to ensure a safe means of escape in the event of fire or similar emergency. The Council will have regard to advice from the fire authority in this respect.

12. Fees

12.1 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council

13. Scheme of Delegated Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated personal licence holder	If a police representation		All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence	If a police representation		All other cases
Applications for Interim Authorities	If a police representation		All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexations etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice	All cases		