

# Agenda

## Licensing Sub-Committee

Date: **Thursday 21 November 2024**

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Time: **10.00 am**

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Place: **Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

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

For any further information please contact:

**Matthew Evans**

Tel: 01432383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans on 01432383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Licensing Sub-Committee**

## **Membership**

**Councillor Polly Andrews (Chairperson)**  
**Councillor Bruce Baker**  
**Councillor Peter Hamblin**

## Agenda

	Pages
<b>PUBLIC INFORMATION</b>	
<b>THE NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interest in respect of items on the agenda.	
<b>4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF SWAN HOTEL, CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3AZ- LICENSING ACT 2003</b>	11 - 66
To consider an application for a variation for a premises licence in respect of Swan Hotel, Church Street, Kington, Herefordshire, HR5 3AZ under the Licensing Act 2003.	





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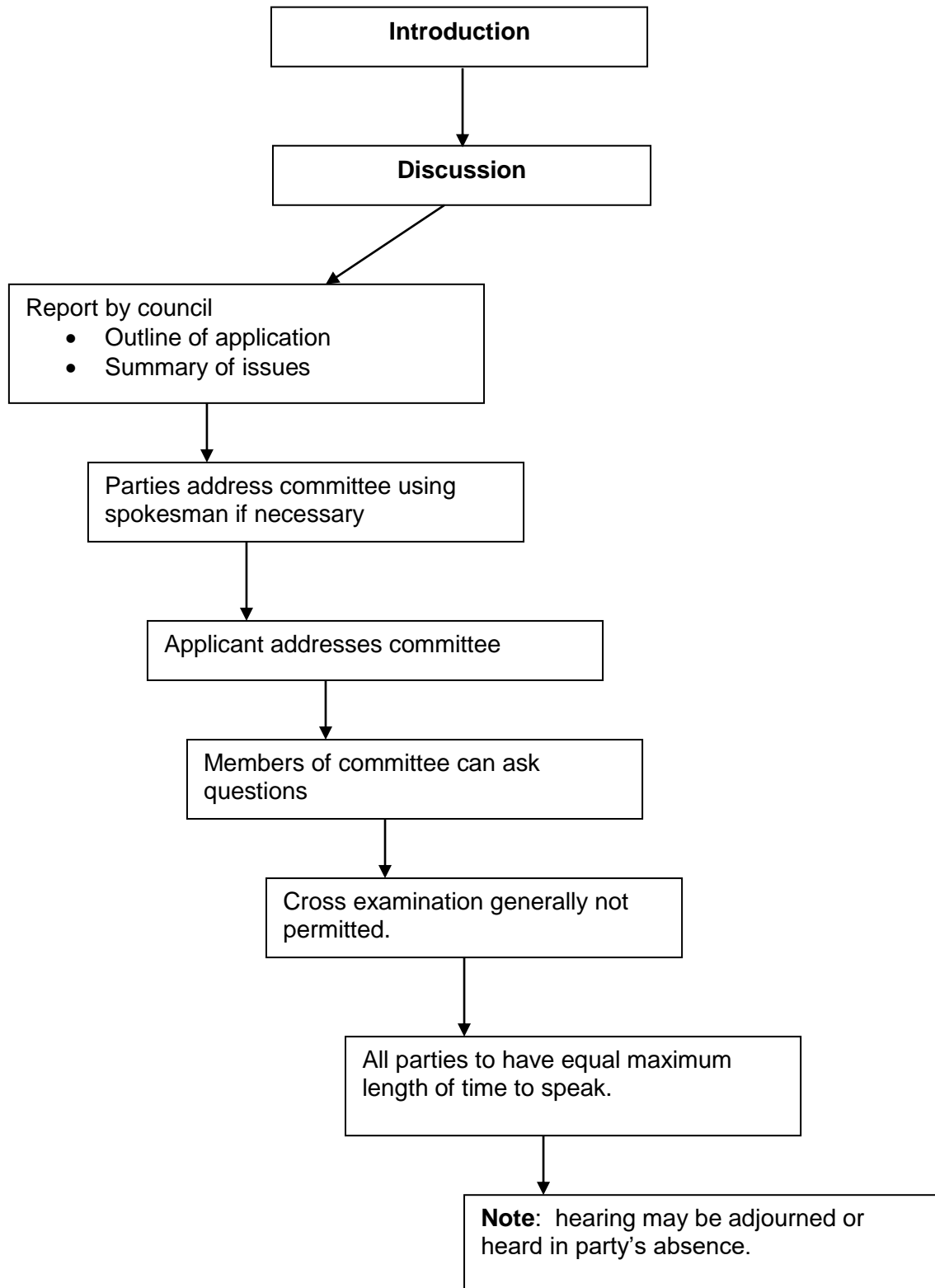
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## Licensing Hearing Flowchart





**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.





**Application for a variation of a premises licence in respect of Swan Hotel, Church Street, Kington, Herefordshire, HR5 3AZ– Licensing Act 2003.**

**Meeting: Licensing sub-committee**

**Meeting date: Thursday 21 November 2024 at 10:00hrs**

**Report by: Senior Licensing Technical Officer**

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

Kington

### **Purpose**

To consider an application for a variation for a premises licence in respect of Swan Hotel, Church Street, Kington, Herefordshire, HR5 3AZ 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 variation of a premises licence has received relevant representation and is therefore brought before the sub-committee for determination.
3. Herefordshire Council’s Statement of Licensing Policy 2020 to 2025 states “All representations 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	Casey Miles Nicholls-Floyd	
Agent	The Licensing Guys	
Type of application: Grant	Date received: 26 September 2024  28 day consultation started: 27 September 2024	28 Days consultation ended:  24 October 2024



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**Summary of Application**

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

Extend the hours for Licensed Activities as follows:

Live and Recorded Music (Indoors/Outdoors), Performance of Dance (Indoors/Outdoors), Anything Similar to Regulated Entertainment (Indoors/Outdoors)  
 Sale/Supply of Alcohol (Consumption on and off the premises)  
 Monday – Sunday: 10:00 – 01:00hrs

Late Night Refreshment (Indoors)  
 Monday – Sunday 23:00 – 01:00hrs

Update the Premises Licence conditions

**Current Licence**

A copy of the current licence and premises plan are attached at Appendix 2. It authorises the following:

A performance of live music; Any playing of recorded music; A performance of dance; Other entertainment

Monday-Saturday: 10:00 - 23:30

Sunday: 10:00 - 22:30

New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous

Provision of late night refreshment; Sale by retail of alcohol

Monday-Thursday: 10:00 - 23:30

Friday-Saturday: 10:00 - 00:30

Sunday: 10:00 - 22:30

New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous

**Summary of Representations**

6. No representations were made by any of the responsible authorities.
7. A total of Ten (10) representations were received from members of the public.
8. Six (6) representations were received that the Licensing Authority has accepted as being

relevant. The representations are in relation to noise and anti-social behaviour that could occur with the extension of hours (appendix 3).

9. Two (2) representations that were received from members of the public were deemed not relevant and therefore rejected as they did not address the likely effect of the grant of the application.
10. Two (2) representations from members of the public were withdrawn.

### **Premises History**

11. The premises was first licenced in 2005.
12. Since being licensed, the Licensing Authority has received and granted (3) applications to Transfer the premises licence and six (6) applications to Vary Designated Premises Supervisor (DPS).
13. Casey Miles Nicholls-Floyd has been the current DPS since March 2018 and premises licence holder and DPS since October 2022.
14. On 7 August 2023, the Licensing Authority wrote to the premises licence holder regarding breach of the premises licence. On the evening of Saturday 5 August 2023 at 23:46hrs, during an out of hours patrol, it was witnessed that people were dancing in the premises and loud music could be heard from outside. The premises are licenced until 23:30hrs therefore all music should have ceased by then. A copy of the letter can be found at Appendix 4

### **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 judgment is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:  
  
*'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'*.
30. 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 Part 1 of the Licensing Act 2003 gives a right of appeal which states:  
Variation of licence under section 35.
  - (1) This paragraph applies where an application to vary a premises licence is (in whole or in part) under section 35.
  - (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section. —
  - (3) Where a person who made relevant representations in relation to the application desires to contend—
    - (a) that any variation made ought not to have been made, or
    - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section he may appeal against the decision
  - (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 35(5).
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 – Current Premises Licence & Plan

Appendix 3 – Public Representations

Appendix 4 – Warning Letter 07.08.2023

## **Background papers**

None Identified

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

**DPS: Designated Premises Supervisor**



**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Casey Miles Nicholls-Floyd  
*(Insert name(s) of applicant)*

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

<b>Premises licence number:</b> PR00490
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>
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Swan Hotel, Church Street

<b>Post town</b>	Kington	<b>Postcode</b>	HR5 3AZ
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	<b>£15,750</b>
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**Part 2 – Applicant details**

Daytime contact telephone number	██████████
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E-mail address (optional)	██████████
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Current postal address:	The Swan Hotel Church Street
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<b>Post town</b>	Kington	<b>Postcode</b>	HR5 3AZ
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### Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

The purpose of this application is to extend the hours for licensed activities to support the existing business and enable the premises to develop a programme of regular entertainment to its established and loyal clientele, residents and guests, by providing occasional entertainment including vocalists and other live musicians.

In addition, we have reviewed the current operating schedule and taken the opportunity to request the removal of outdated or unenforceable requirements and strengthen the licence with the addition of some newly proposed conditions to ensure the Licensing Objectives are robustly promoted.

**This application seeks to:**

**extend the hours for Licensed Activities as follows:**

**Live and Recorded Music, Performance of Dance, Other Entertainment,  
Alcohol Sales: Monday – Sunday: 10:00 – 01:00hrs  
Late Night Refreshment: Monday – Sunday 23:00 – 01:00hrs**

**and update the Premises Licence conditions in Annex 3.**

Please note: this application does not seek to vary the Non-Standard Timings which will remain as per the current licence.

In writing the application we have had regard to the Licensing Act 2003, the current Government Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2004, and the Herefordshire Council Statement of Licensing Policy.

Through the Licensing Guys Ltd, the applicant wishes to engage fully with all responsible authorities and other interested parties.

Should any person wish to discuss any aspect of the application or proposed activities, early contact and dialogue would be welcomed.



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

#### Part 4 Operating Schedule

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

**Provision of regulated entertainment (Please see guidance note 3)**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finis h		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finis h		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

C

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

D

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

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	10:00	01:00			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Tue	10:00	01:00			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)  As per existing licence.		
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	10:00	01:00			
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	01:00	As per existing licence.		
Sun	10:00	01:00			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 5)	Both	✓
Tue	10:00	01:00			
Wed	10:00	01:00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur	10:00	01:00			
Fri	10:00	01:00	<b><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></b> (please read guidance note 7)  As per existing licence.		
Sat	10:00	01:00			
Sun	10:00	01:00			



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing  Any type of entertainment similar to the above, not including adult / relevant entertainment.		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	
Mon	10:00	01:00		Outdoors	
				Both	✓
Tue	10:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed	10:00	01:00			
Thur	10:00	01:00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri	10:00	01:00			
Sat	10:00	01:00	<b><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></b> (please read guidance note 7)		
Sun	10:00	01:00	As per existing licence.		
	10:00	01:00			

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	23:00	01:00			
Fri	23:00	01:00	<b><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></b> (please read guidance note 7)  As per existing licence.		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	01:00	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)  <b><u>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</u></b> (please read guidance note 7)  As per existing licence.	Both	<input checked="" type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

K

<p><b>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</b> (please read guidance note 10).</p> <p>None.</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	10:00	
Tue	10:00	01:00	
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	<b><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></b> (please read guidance note 7)
Sun	10:00	01:00	
			As per existing licence.

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

We view this variation as an opportunity to review and update all the conditions within Annex 3 of the licence and propose replacing the conditions with those specified in section M of this application to reflect and meet the current business needs, current standards of compliance, and ensure the Licensing Objectives are robustly promoted by specific, clear, unambiguous and enforceable requirements.

Please tick as appropriate

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

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

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

Not applicable.

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

**a) General – all four licensing objectives**

**Staff Training**

All staff responsible for selling alcohol shall receive induction and/or refresher training to BIIAB Level I or equivalent commensurate with their role and responsibilities in relation to the sale of alcohol and the times and conditions of the premises licence.

Training shall include:

- Challenge 25 Age Verification Policy (below)
- Drink Spiking Policy
- Safeguarding Checklist
- Proxy sales
- Refusal for underage, behaviour, and/or intoxication
- Completion of refusal log
- Completion of both the incident log

Training will be documented, refreshed at least annually, training records will be kept at the premises for at least one year, and records will be made available to the Police and/or Local Authority upon request.

**CCTV**

A digital CCTV system shall be installed and maintained at the premises with cameras covering all entrances and exits and public areas.

The system shall be fully operational and record at all times the premises is open for licensable activities.

All recordings used in conjunction with CCTV shall:

- be of evidential quality in all lighting conditions;
- indicate the correct time and date; and
- be retained for a period of 31 consecutive days.

A responsible person must be trained to use the system, as a recorded image must be available for inspection and downloading immediately upon reasonable request to officers of Responsible Authorities.

All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.

**SIA Security Staff**

The requirement for SIA security personnel will be determined by individual risk assessments specific to each event.

The Licensee shall ensure that when door supervisors are engaged for duty at the premises, their details (names and licence numbers) are recorded in an appropriate book kept at the premises.

The SIA log must be available for inspection by the Police or Authorised Officer at all times when the premises are open.

**Alcohol Sales for Consumption Off the Premises**

All sales of alcohol for consumption off the premises must be provided in sealed containers.

No open vessels containing alcoholic drinks may be taken from the premises other than for consumption in the outside area.

**Written Delegated Authority**

Where alcohol sales are made under a Personal Licence Holder's delegated authority, a written record of the delegation of authority must be maintained on the premises and available for inspection.

The record must include:

- a. The name of the personal licence holder delegating their authority.
- b. The personal licence number and issuing authority
- c. The name(s) of the person duly authorised
- d. The date the delegated person received training on their responsibilities under the Licensing Act 2003
- e. The signatures of both persons

**b) The prevention of crime and disorder****Refusal Log**

There shall be a register for the recording of all alcohol sale refusals, including attempted under-age sales, proxy sales and refusals to those who appear intoxicated.

Details to be recorded shall include the date, time, name (if known), physical description of the person, the reason for the refusal, names of staff involved, and whether the refusal was captured on CCTV.

Any identification document coming into the possession of a member of staff, including security staff, shall be recorded in the register, including the name of the person/name on the identification document.

The register shall be available for immediate inspection by any authorised officer of the responsible authorities and shall be securely retained by the licence holder for a for a period of 12 months from the date of the last entry.

**Incident Log**

An incident log must be kept at the premises and must be retained for a period of 12 months from the date an incident occurred. The log must be made immediately available on request to Police or an 'officer of a responsible authority', and must record the following:

- a. all crimes reported to the premises (where relevant to the licensing objectives)
- b. all ejections of patrons
- c. any complaints received (where relevant to the licensing objectives)
- d. any incidents of disorder
- e. any illicit drugs or weapons seized or found on the premises, and
- f. any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

**Toilet Checks**

Regular toilet checks will be conducted by vigilant staff for the purpose of detecting and removing any items associated with illegal drug use.

**c) Public safety**

A current Fire Risk Assessment will be completed, maintained on the premises, and made available for inspection by any officer of a Responsible Authority on request.

**d) The prevention of public nuisance**

The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours and businesses.

Appropriate signs, requesting patrons leave quietly and with consideration for neighbours in the vicinity, will be displayed clearly and prominently at exits.

During events involving the provision of live or recorded music, the DPS or other responsible person will monitor music volumes and ensure they are maintained at a reasonable level to prevent causing noise nuisance.

Any entertainment provided in the outdoor area will end by 22:30hrs.

All doors and windows will be closed from 22:30hrs when regulated entertainment is being provided inside the premises.

The removal of waste or bottles into external bins will not take place between 23:00hrs and 07:30hrs on any day.

The outside area will be closed from 23:00hrs, with the exception of patrons wishing to smoke.

**e) The protection of children from harm**

### **Age Verification Scheme – Challenge 25**

A challenge 25 age verification scheme will operate at the premises whereby any person who appears to be under 25 years of age, and unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide identification to prove they are over 18 years of age.

Staff must require individuals who appear to the responsible person to be under 25 years of age 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.

Acceptable Proof of age/ID documents shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

Appropriate signage advertising the operation of the Challenge 25 scheme must be displayed in the vicinity of all points of sale for alcohol.

### **Child Restriction**

No children under 18 will be permitted on the premises after 23:00hrs, with the exception of the children of guests residing in the hotel.

Adult entertainment, services, or activities are prohibited from taking 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, sexual acts or fetishism, or entertainment involving strong or offensive language).

Checklist:

**Please tick to indicate agreement**

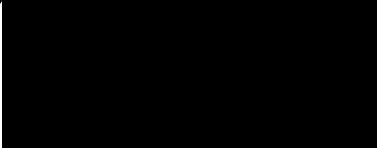
- I have made or enclosed payment of the fee; or ✓
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.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

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



**Part 5 – Signatures** (please read guidance note 12)

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

<b>Signature</b>	 Reba Danson for TL Guys Ltd
<b>Date</b>	26 September 2024
<b>Capacity</b>	Licensing Consultant

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)**

The Licensing Guys,  
Rural Enterprise Centre  
Vincent Carey Road  
Rotherwas Business Park

Post town	HEREFORD	Postcode	HR2 6FE
Telephone number (if any)	07983 922180		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
<a href="mailto:reba@thelicensingguys.com">reba@thelicensingguys.com</a>			



**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number - PR00490 (App to Vary Transfer)**

**Part 1 - Premises details**

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

**Swan Hotel  
Church Street  
Kington  
HR5 3AZ**

Telephone number: **01544 230510**

Where the licence is time limited the dates:

**Not Applicable**

Licensable activities authorised by the licence

- 1. A performance of live music**
- 2. Any playing of recorded music**
- 3. A performance of dance**
- 4. Other entertainment**
- 5. Provision of late night refreshment**
- 6. Sale by retail of alcohol (Inside and Outside)**

Restrictions on Licensable Activities as numbered above

- 4. Live bands**
- 6. Outside patio area**

The times the licence authorises the carrying out of licensable activities

**A performance of live music; Any playing of recorded music; A performance of dance;  
Other entertainment**

**Monday-Saturday: 10:00 - 23:30**

**Sunday: 10:00 - 22:30**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

**Provision of late night refreshment; Sale by retail of alcohol**

**Monday-Thursday: 10:00 - 23:30**

**Friday-Saturday: 10:00 - 00:30**

**Sunday: 10:00 - 22:30**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

The opening hours of the premises

**Monday-Thursday: 10:00 - 00:00**

**Friday-Saturday: 10:00 - 01:00**

**Sunday: 10:00 - 23:00**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

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

**Alcohol-On and Off the premises**

## Part 2

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

**Mr Casey Miles Nicholls-Floyd**

**The Swan Hotel**

**Church Street**

**Kington**

**Herefordshire**

**HR5 3AZ**

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

**Mr Casey Miles Nicholls-Floyd**

**XXXXX**

**XXXXX**

**XXXXX**

**XXXXX**

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 – PL2326**

**Issuing Authority – Herefordshire Council**

## **Annex 1 - Mandatory conditions**

### **Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Free Drinking Water**

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

### **Age verification**

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

### **Small Measures**

4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Below Cost Price**

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

**Mandatory conditions where licence authorises supply of alcohol**

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

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

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

**Door supervision**

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

**Annex 2 - Conditions consistent with the operating Schedule****Licensing conditions - Licensing objectives****General:**

During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;  
the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

the sale of alcohol to a trader or club for the purposes of the trade or club;

the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majestys naval, military or air forces;

the taking of alcohol from the premises by a person residing there; or

the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or

in charge of the business on the premises;

Responsible member of staff will always be on the premises Friday & Saturday nights to finish of business.

Trouble makers ejected immediately and not allowed to stay beyond 11pm on future nights.

**Prevention of Crime and Disorder:**

- The provision of a capacity limit
- The provision of CCTV which meets the requirements and expectations of the Licensing Authority and police
- The provision of Door Supervisors on days when the supply of alcohol is authorised after 00:00 and regulated entertainment is provided
- The provision of a last entry time of 00:00
- The provision of an incident book
- The prevention of open containers being taken from the premise
- That a personal licence holder is on the premise at all times it operates for the licensable activity of the provision of live music
  
- The provision of a time when the external area would not be used for the licensable activities or the consumption of alcohol

Not offering cheap drinks or promotions in the evenings beyond what we do now.

Member of staff to patrol toilets and lobby area more often to detect any drug use.

**Public Safety:**

**GENERAL**

- a) The Licensee shall take all reasonable precautions to ensure the safety of the public and performers on the premises.
- b) In undertaking any or all of the conditions, the Licensee shall comply with all reasonable requests of the Police, the Fire Authority and the Licensing Authorities Officers.
- c) The approved arrangements, including the means of escape, the fire alarm and warning system, the fire fighting equipment, the electrical installations and mechanical equipment shall be maintained in good condition and full working order.

**OVERCROWDING**

Adequate systems shall be in place to control numbers of persons entering the premises to prevent over crowding and alleviate crowd control problems. During an event the maximum permitted numbers shall be:

**VENTILATION AND HEATING**

Adequate means of ventilation and heating shall be provided at the premises whilst open to the public and shall be maintained in a proper working condition

**FIRST AID**

The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

**LIGHTING**

All parts of the premises shall be provided with adequate illumination during the whole time the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems

#### ELECTRICAL INSTALLATION

A current inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS5266-1

#### FIRE SAFETY

The Licensee shall ensure that a fire risk assessment is carried out for the whole premises. He/she shall also ensure that all fire risks are minimised in accordance with current industry good practice and a full copy of this risk assessment is made available for inspection on request by an authorised officer.

- b) The fire risk assessment shall cover the following areas;
  - a. Means of escape
  - b. Exit routes and exit notices
  - c. Exit doors
  - d. Disabled access and escape
  - e. Reporting of Fires
  - f. Fire Procedure
  - g. Fire Logbook
  - h. Access for Fire Appliances
  - i. Fire Fighting Equipment
  - j. Fire Resistant Furniture and Fittings
  - k. Smoking
  - l. Explosive and Flammable Substances
- c) The Licensee is responsible at all times for ensuring the safety of public in attendance in the event of fire or other such emergency.

#### GAS INSTALLATIONS

The gas installation shall hold a current safety certificate signed by, a member of the Council for Registered Gas Installers (CORGI).

#### OPEN CONTAINERS

No open containers to be removed from the premises except for consumption in any external area provided for that purpose.

Free water to be offered more regularly if a customer is staying on the premises longer.

Staff member to check more regularly for left glasses and unsociable behaviour.

#### **Prevention of Public Nuisance:**

#### NOISE AND VIBRATION

A sound limiting/cut out device must be installed maintained in full working order and be used each time entertainment is provided in the entertainment area. The maximum sound level shall be set, agreed and approved by the Council Environmental Protection Team.

The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance

The licensee shall be responsible for ensuring the local area is assessed, from time to time, for noise breakout from the premises during performances.

The outside area shall not be used for the consumption of alcohol or licensable activities after 11:00pm.



All windows to the entertainment area shall be kept closed after 2230 during performance.

All doors to the entertainment area shall be close fitting and constructed from dense, heavy materials. All doors shall remain closed except for access/egress by persons to/from the entertainment area after 2230 and shall at no time be propped open.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly

Door supervisors shall be positioned at exits after 1130pm until closing and shall act to ensure as far as reasonably practicable that patrons leave the premises in a quiet and sociable manner. No music entertainment to be played in the Beer Garden at any time.

No person shall be admitted in the beer garden between the hours of 11pm and 8am on any day.

Bottling out shall not be undertaken outside the premises between the hours of 11pm and 0730am

Very strict control on the departure of the public after closing.

Extra notices regarding noise pollution to be displayed.

#### **Protection of Children from Harm:**

All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.

Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises

Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

No one under the age of 18 will be allowed in the building after 11pm.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

#### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Not Applicable

#### **Annex 4 - Plans**

As attached

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

**Premises licence number – PR00490 (App to Transfer)**

**Premises details**

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

**Swan Hotel  
Church Street  
Kington  
HR5 3AZ**

Telephone number: **01544 230510**

Where the licence is time limited the dates

**Not Applicable**

Licensable activities authorised by the licence

- 1. A performance of live music**
- 2. Any playing of recorded music**
- 3. A performance of dance**
- 4. Other entertainment**
- 5. Provision of late night refreshment**
- 6. Sale by retail of alcohol (Inside and Outside)**

Restrictions on Licensable Activities as numbered above

- 4 Live bands**
- 6. Outside patio area**

The times the licence authorises the carrying out of licensable activities

**A performance of live music; Any playing of recorded music; A performance of dance;  
Other entertainment**

**Monday-Saturday: 10:00 - 23:30**

**Sunday: 10:00 - 22:30**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

**Provision of late night refreshment; Sale by retail of alcohol**

**Monday-Thursday: 10:00 - 23:30**

**Friday-Saturday: 10:00 - 00:30**

**Sunday: 10:00 - 22:30**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

The opening hours of the premises

**Monday-Thursday: 10:00 - 00:00**

**Friday-Saturday: 10:00 - 01:00**

**Sunday: 10:00 - 23:00**

**New Year's Eve 11:00 - 23:00 New Year's Day 36 hours continuous**

Name, (registered) address of holder of premises licence

**Mr Casey Miles Nicholls-Floyd**

**The Swan Hotel**

**Church Street**

**Kington**

**Herefordshire**

**HR5 3AZ**

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

**Alcohol-On and Off the premises**

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

**03752645**

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

**Mr Casey Miles Nicholls-Floyd**

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

**Protection of Children:**

**All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.**

**Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises**

**Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.**

**No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.**

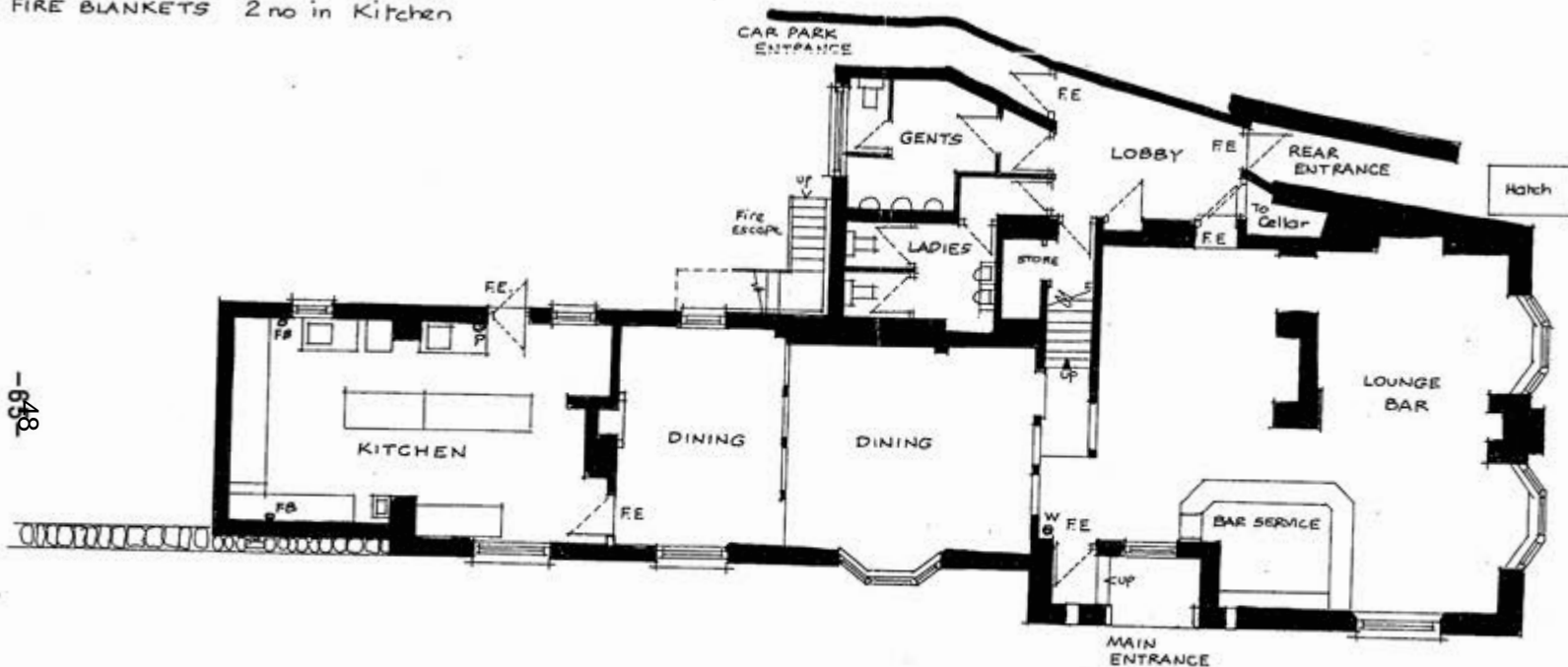
**No one under the age of 18 will be allowed in the building after 11pm.**

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

- P 2 kg Powder Extinguisher in Kitchen
- W 9 litre Water Extinguisher in Lounge Bar

FIRE EXITS 6 no.

FIRE BLANKETS 2 no in Kitchen



-648

1:100 FLOOR PLAN OF THE SWAN HOTEL,  
CHURCH STREET, KINGTON, HR5 3AZ.

Area used for the  
consumption of Alcohol.

David Walters  
Building Surveyor  
27 Elizabeth Road  
Kington  
Herefordshire HR5 3DB  
01544 230121

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
Herefordshire Council,  
Plough Lane, Hereford.  
HR4 0LE**  
licensing@herefordshire.gov.uk

**HEREFORDSHIRE COUNCIL  
Licensing Act 2003**

**REPRESENTATION FORM – INTERESTED PARTIES**

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

**When completing this form please print clearly and legibly.**

	Contact Telephone No. 
<b>Address:</b> 	<b>E-mail address:</b> 
	<b>Please state your interest in the premises you are making a representation about:</b> eg local resident/local business
<b>Name &amp; Address of premises you are making a representation about:</b>  The Swan, Church Road, Kington HR5 3AZ	

**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:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>

With two pubs opposite each other the local residents have to put up with extra traffic and 'jolly' people making a lot of noise as they make their way home or to their cars. There is also significant noise from the pub and the garden on a variety of afternoons and nights throughout the year. If the licence were to extend later, we would have to endure it for longer periods for each music night and perhaps intensified noise and traffic. Longer hours drinking is not going to lesson the noise from rowdy, but exacerbate it and perhaps add to other misbehaviour and drink driving.

To Protect Children from Harm



### Representation Form – Interested Parties Suggested Conditions

Premise: \_\_\_\_\_ Your name: \_\_\_\_\_

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

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

To Prevent Crime and Disorder

Public Safety

**Prevent Public Nuisance**

**Protect Children from Harm**

Signe

Date: 24 October 2024

If you have any queries about this form or are unsure of when the statutory period ends please contact  
**Licensing at [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**



Licensing SECTION  
Herefordshire Council

21-10-24

Dear Sir or Madam

I wish to object to the Variation the Swan Hotel Kington's Licence.

I live on the same side but near the middle of the square and it has been beautifully quiet now for quite a long time except for one evening recently when music was playing until 11ish, it was quite loud, but staying awake until 11pm is not such a problem. I normally go to bed 10pm-10:30pm. So I can get up at 6am to 6:30am, if I had to stay awake until 1am whenever they chose to have music, dancing, alcohol, that would be very difficult. 3 hours extra.

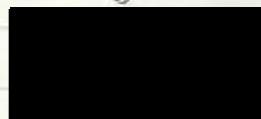
The noise travels whether the windows are open or not. This is a predominantly residential area, for me & for others staying awake until 1am is not good. When people leave & they have been drink alcohol they tend to be quite noisy. They also leave glasses full & empty on my wall & also throw rubbish over my wall which I have to remove.

I hope you will also consider all the people like me who have only recently seen the notice and will



only realize how bad it is when they are awake  
every time the music plays

yours Sincerely



Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
 Herefordshire Council,  
 Plough Lane, Hereford.  
 HR4 0LE**  
 licensing@herefordshire.gov.uk

**HEREFORDSHIRE COUNCIL  
 Licensing Act 2003**

**REPRESENTATION FORM – INTERESTED PARTIES**

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

**When completing this form please print clearly and legibly.**

<b>██████████</b>	Contact Telephone No. <b>██████████</b>
<b>Address:</b>  <b>██</b>	E-mail?
	Q address <b>██</b>
	Please state your interest in the premises you are making a representation about:  <b>LOCAL RESIDENT</b>
<b>Name &amp; Address of premises you are making a representation about:</b>  <b>The Swan ,Church Street, Kington, HR53AZ</b>	

**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:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>

**To Prevent Public Nuisance**

The extension of licensing hours to 1am will obviously increase noise in the area till well past the time most residents are asleep, risking the potential for sleep disturbance from clients leaving the premises and departing in their cars. The application also requests music to be played both indoors and outdoors till 1am which is completely unacceptable. The level of disturbance We sometimes experience from music played both indoors and especially outdoors is already considerable, as is the noise of customers departing the premises. Extending music till 1am 7 days a week is tantamount to allowing a disco in a residential area and the outdoor request is ludicrous. The lack of consultation with the local residents is also astonishing. (None).

**To Protect Children from Harm**



**Representation Form – Interested Parties  
Suggested Conditions**

**Premise:** \_\_\_\_\_ **Your name:** \_\_\_\_\_

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

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

**To Prevent Crime and Disorder**

**Public Safety**

**Prevent Public Nuisance**

**Protect Children from Harm**

Signed:

Date: 24 October 2024

queries about this form or are unsure of  
when the statutory period ends please contact  
**Licensing at [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
 Herefordshire Council,  
 Plough Lane, Hereford.  
 HR4 0LE**  
 licensing@herefordshire.gov.uk

**HEREFORDSHIRE COUNCIL  
 Licensing Act 2003**

**REPRESENTATION FORM – INTERESTED PARTIES**

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

**When completing this form please print clearly and legibly.**

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No.</b> [REDACTED]
<b>Address:</b> [REDACTED]	<b>E-mail address:</b> [REDACTED]
	<b>Please state your interest in the premises you are making a representation about:</b> eg Local Resident
<b>Name &amp; Address of premises you are making a representation about:</b> The Swan Hotel Church Street, Kington HR5 3AZ	

**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:

<b>To Prevent Crime &amp; Disorder</b>  To lessen the impact of anti social behaviour on neighbouring residents
<b>Public Safety</b>

There is already loud music noise from the existing music evenings at the Swan which make it difficult for us to sleep. In addition there is considerable noise nuisance from anti-social behaviour in the street from loud groups of people leaving the premises.

We do not object to Friday and Saturday nights as we understand that the Swan has to generate income, but are deeply concerned about this being permitted every day of the week.

**To Protect Children from Harm**



**Representation Form – Interested Parties  
Suggested Conditions**

Premise: \_\_\_\_\_ The Swan Hotel \_\_\_\_\_ 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**

To limit the occurrences in the street of anti social behaviour that impact on the peace of nearby residents by limiting the number of late night events

**Public Safety**

**Prevent Public Nuisance**

**Restricting the level of sound on Music Evenings and keeping late night events confined to Fridays and Saturdays:**

**Protect Children from Harm**

Signed:

[Redacted Signature]

Date: 23/10/2024

If you have any queries about this form or are unsure of when the statutory period ends please contact  
**Licensing at [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**

**RECEIVED**  
 18 OCT 2024  
 BY: PH

**HEREFORDSHIRE COUNCIL**  
**Licensing Act 2003**

Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,**  
**Herefordshire Council,**  
**Plough Lane, Hereford.**  
**HR4 0LE**  
**licensing@herefordshire.gov.uk**

**REPRESENTATION FORM – INTERESTED PARTIES**

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

**When completing this form please print clearly and legibly.**

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No.</b> [REDACTED]
<b>Address:</b> [REDACTED]	<b>E-mail address:</b> [REDACTED]
<b>Please state your interest in the premises you are making a representation about:</b>	
<b>Local resident</b>	
<b>Name &amp; Address of premises you are making a representation about:</b>	
The Swan Hotel Church Street, Kington, HR53AZ	

**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:

<b>To Prevent Crime &amp; Disorder</b>
I have concerns regarding patrons exiting The Swan Hotel at 1am in the morning. The premise is quite literally surrounded by domestic dwellings, with occupants ranging from elderly to young children. Whilst I accept staff training and CCTV will be provided, I do not consider these measures would sufficiently control any disorder outside the premise. To have a blanket 10am to 1am licence, seven days a week appears excessive, inappropriate and unnecessary.
<b>Public Safety</b>
<b>To Prevent Public Nuisance</b>
I also have grave concerns regarding the playing of live and recorded music inside and outside the premise until 1am, potentially seven days a week, 365 days a year. I consider the potential public nuisance this could present to close neighbours to be totally unacceptable. I note in the application, external music should finish by 2230 and the outside areas be closed to patrons, other than smokers, by 2300. On a personal note, and I acknowledge the applicant would not appreciate this, when The Swan currently has live music, particularly inside, the sound travels through the ground and reverberates into our house located opposite. Houses in the vicinity are of timber frame construction, through which sound travels freely. My wife and I accept the current music licence arrangement but would not appreciate this frustration until 1am in the morning.
<b>To Protect Children from Harm</b>

Signed: [REDACTED]  
 Date: 16/10/24

If you have any queries about this form or are unsure of when the statutory period ends please contact **Licensing** on **licensing@herefordshire.gov.uk**





## Representation Form – Interested Parties Suggested Conditions

Premise: The Swan Hotel, Kington

Your name: [REDACTED]

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

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

### To Prevent Crime and Disorder

Enhanced staff training to ensure control of patrons inside and outside the premise.  
CCTV to record disorder external to the building

### Public Safety

### Prevent Public Nuisance

The current licencing arrangement for The Swan Hotel appears to work well and should the owner wish to hold occasional extended opening periods they already have recourse to apply via the appropriate authorities at the appropriate time.

### Protect Children from Harm

Signed: [REDACTED]

Date:

16/10/24

If you have any queries about this form or are unsure of when the statutory period ends please contact Licensing at [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

**HEREFORDSHIRE COUNCIL**  
Licensing Act 2003

**REPRESENTATION FORM – INTERESTED PARTIES**

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

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Please return this form, and any additional information within the statutory period to:  
**The Licensing Section,  
Herefordshire Council,  
Plough Lane, Hereford.  
HR4 0LE**  
licensing@herefordshire.gov.uk

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No.</b> [REDACTED]
<b>Address:</b> [REDACTED]	<b>E-mail address:</b>
	<b>Please state your interest in the premises you are making a representation about:</b>  <b>Neighbour</b>
<b>Name &amp; Address of premises you are making a representation about:</b>  <b>Premises license number: PR00490</b> <b>Swan Hotel</b> <b>Kington</b> <b>HR5 3AZ</b>	

**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:

<b>To Prevent Crime &amp; Disorder</b>
<b>Public Safety</b>
<b>To Prevent Public Nuisance</b>  The Swan Hotel is opposite my house and the level of noise coming from people sitting outside on warm evenings already makes it difficult to sleep at times. If this is allowed to go on until 1.00 a.m. my wife and I will be seriously disturbed. The application says that windows will be closed after 11.00 p.m. but currently this does not happen during warm weather. Furthermore I have observed that the hotel is already staying open until midnight at times. No communication has been made with neighbours about this application. The first I heard about it was a news item in The Hereford Times.
<b>To Protect Children from Harm</b>

Signed: [REDACTED]

Date: 12/10/2024

If you have any queries about this form or are unsure of when the statutory period ends please contact Licensing on licensing@herefordshire.gov.uk



**Representation Form – Interested Parties  
Suggested Conditions**

**Premise: \_Swan Hotel, Church Street, Kington, HR5 3AZ**

**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.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<b>Prevent Public Nuisance</b> <b>To keep to the current licensing hours and make sure these are enforced.</b>
<b>Protect Children from Harm</b>

Signed: \_\_\_\_\_

Date: 12/10/2024

If you have any queries about this form or are unsure of when the statutory period ends please contact Licensing at [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)



**Mr Casey Miles Nicholls-Floyd  
The Swan Hotel  
Church Street  
Kington  
Herefordshire  
HR5 3AZ**

Dear Mr Nicholls-Floyd

**RE: The Swan Hotel, Church Street, Kington, Herefordshire, HR5 3AZ**

My records show that you are the designated premises supervisor and premises licence holder in respect of the above premises and therefore you are the person who has the responsibility for the day to day running of the premises.

On the evening on Saturday 5<sup>th</sup> August at 2346 hours, during an out of hours patrol, myself and colleague past your premises.

I note that your licence states:

**A performance of live music; Any playing of recorded music; A performance of dance;  
Other entertainment  
Monday-Saturday: 10:00 - 23:30**

At the time of passing we could see people dancing in the premises and when we sat outside the premises could hear loud music.

To make the situation clear to you, all music must cease by 2330 hours or be reduced to a background level.

Your premises licence is your authorisation to carry on licensable activities. Where the terms are not complied with then your authorisation ceases to exist and the activity becomes unauthorized and an offence, which on summary conviction can carry up to 6 months imprisonment and/or an unlimited fine.

I must advise you that should further breaches be detected, we may consider taking more formal action. We may carry out further unannounced visit to the vicinity of your premises which may include the use of covert recording equipment to detect further breaches.

I hope that I now have made the situation clear to you.

Yours sincerely

**PRINCIPAL LICENSING OFFICER**

