

**Minutes of the meeting of Licensing Sub-Committee held at  
Online meeting/Conference Room 1 - Herefordshire Council,  
Plough Lane Offices, Hereford, HR4 0LE on Friday 30 May 2025  
at 10.00 am**

**Present:**                **Councillor Polly Andrews (chairperson)**  
  
                              **Councillors: Dave Davies and Peter Hamblin**

**In attendance:**    **Councillors Tillett and Toynbee (virtual attendance)**

**Officers:**            **Licensing technical officer and Senior Lawyer - Civil Litigation**

**1.        APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2.        NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

**3.        DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**4.        EXCLUSION OF PUBLIC AND PRESS**

Sub committee members were advised that due to the nature of the information to be presented it was recommended that items 5 on the agenda be heard in private.

**It was resolved that that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting as it is considered that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.**

**5.        REVIEW OF A PREMISES LICENCE IN RESPECT OF: PLANET BUFFET, 47  
COMMERCIAL ROAD, HEREFORD, HR1 2BJ CALLED BY THE LICENSING  
AUTHORITY AS A RESPONSIBLE AUTHORITY - LICENSING ACT 2003**

Members of the Licensing Sub-Committee of the council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and the reports published on 21 May 2025.

Prior to making its decision, the Licensing Technical Officer presented the report which outlined the options available to the Sub-Committee and members heard representations from Harry Spriggs on behalf of the licensing authority.

Mr Spriggs, representing the licensing authority, provided details of the operations conducted by the multi-agency tasking and enforcement operation on 13 February and details of the ongoing investigation following the operation. It was explained that during

the time of the raid it was observed that the premises was serving alcohol without a current Designated Premises Supervisor (DPS). The Sub-Committee was informed of the section 182 guidance and actions that may be taken in the event of illegal immigrants being found to have been working at a premises with a licence. The licensing authority sought the revocation of the licence. However, if the Sub Committee was not minded to revoke it was proposed by the Licensing Authority that a condition be added to the premises licence regarding the employment of immigrants.

The Premises Licence Holder referred to the application made by the licensing authority. In summary, he explained that:

- He requested that the licence was not revoked;
- The fees that were not paid was due to the pandemic, it was not the intention of the licence holder to withhold payment. The fees had usually been paid as soon as the bill had been received;
- The male that had been caught working in the premises had already returned to Malaysia; and
- It was requested that the licence holder was given another chance.

Following questions it was confirmed:

- In response to a question as to how the licence holder will comply with the licensing conditions in future it was explained that in the future illegal immigrants would not be employed and the licence holder would endeavour to examine the conditions to meet the requirements.
- In response to a question regarding the non payment of fees and clarification that the fees had been owing from 2016, prior to the pandemic, the licence holder explained either the letter had not been received or had been lost therefore the payment was not made. It was not the intention to not make the payment.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 and Herefordshire Council's statement of licensing policy.

## **DECISION**

The Sub-Committee's decision following a review of premises licence is as follows:

The premises licence shall be revoked.

## **REASONS**

The Sub-Committee has taken into account all the evidence provided with the application for review brought by the Licensing Authority, presented in a report by Senior Licensing Officer, Emma Bowell and Harry Spriggs, Licensing Officer. The evidence we have considered was produced from a Multi-Agency Operation that took place on Thursday, 13 February 2025.

The Sub-Committee notes the grounds for review are the prevention of crime and disorder, in particular, the prevention of illegal working and immigration crime at a licensed premises

It was recognised that these are serious offences and that the request for a review was justified.

The Sub-Committee considered the submissions of the Premises Licence Holder carefully and took into account the length of time that the license had been held for.

The Sub-Committee acknowledged the Premises Licence Holder's position that he did not deliberately fail to pay the licence fees. The Sub-Committee further acknowledged that the Premises Licence Holder stated he will monitor his licence conditions more strictly in the future.

However, the Sub-Committee was very concerned that there was evidence of a failure to comply with licensing conditions, including selling and/or supplying alcohol without a Designated Premises Supervisor in place.

The Sub-Committee further noted the number of suspensions of the licence as a result of failure to pay fees.

The Sub-Committee noted that it is the responsibility of the Premises Licence Holder to ensure they understand their legal obligations.

Taking into account the statutory guidance, the Sub-Committee was aware that where reviews arise and the licensing authority determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The Sub-Committee considered that the breach of immigration law is serious, together with the previous breaches of the licence and history of suspensions.

The Sub-Committee considered all options available to them, including whether additional conditions would be appropriate in this case. The Sub-Committee was not convinced that the premises licence holder will adhere to his licence conditions in the future, based on the evidence presented to them.

The Sub-Committee would also like it noted that they were disappointed West Mercia Police and Immigration were not in attendance to support the Licensing Authority in respect of their statements.

**6. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF THE CROWN INN, LEA, ROSS ON WYE, HEREFORDSHIRE, HR9 7JZ - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, and the supplementary information published on 21 May 2025.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. No representations were received from the responsible authorities. One relevant representation was received from a member of the public that the licensing authority accepted as being relevant. The Licensing Officer summarised the application and provided an overview of the representation received.

The Sub-Committee heard from the Applicant's representatives that:

- The Garden Bar was a permanent part of the site and the pub building, the application was asking for it to operate within existing licenced hours.

- The application would support the pub and customers by easing pressure on the main bar and providing faster service. It would also facilitate a pizza offering for customers.
- The re-opening of the pub had been a success and good feedback had been received from local people.
- The pub helped to bring visitors to the area and employed local people.
- The pub took its licensing responsibilities seriously and would stick to conditions and work with neighbours.
- To limit the impact on local residents the pub turned off the speakers in the outdoor area at 9:00 p.m. and closed the upper garden at 10:00 p.m. and customers outside were moved into the pub at 11:00 p.m. Signage had been displayed to encourage customers to leave quietly.
- The pub operated an open-door policy and encouraged local residents to provide feedback.
- The outdoor bar did not represent an expansion of the pub but was intended to provide a better service for customers and was a facility that a number of other venues offered.
- The concerns raised regarding the application were understood however it was felt that closing at 10:00 p.m. was reasonable given that the outdoor seating area was used until 11:00 p.m.
- In response to feedback, music and bass had been turned down and the music turned off at 10:00 p.m. and people were moved into the pub at 11:00 p.m.
- A number of neighbours had visited the pub and provided positive feedback.
- The application proposed more efficient service of customers and an enhancement of the guest experience.

Following questioning by the Sub-Committee it was confirmed that:

- In response to a question it was confirmed that the pub had been in contact with the local objector to the application.
- It was clarified that the noise from the fan from the kitchen could not be considered as it was relevant to alternative legislation.

The Sub-Committee carefully considered the representation, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The Sub-Committee's decision is to grant the application as applied for.

## **REASONS**

The Sub-Committee has fully considered the detailed report, application and written representation in the report pack, presented to the hearing by Senior Licensing Officer Emma Bowell. The committee has also taken into account the relevant policy and guidance.

The Sub-Committee has also heard the submissions presented at the hearing by representatives of the applicant, Ben Savidge and Tom Howarth.

No representations were received from the Responsible Authorities.

One (1) relevant representation was received from a member of the public.

The representation related to late opening hours of the garden bar during the week until 22:00hrs. The member of the public stated they have experienced levels of noise from customers in the garden. The member of the public has indicated that they ideally would like no garden bar open during the week but will compromise to no outdoor music allowed Sunday to Thursday evenings.

The Sub-Committee noted the concerns relating to the potential for increased noise, disturbance and nuisance. However, it is disappointing that those making representations have not attended this hearing to assist the committee in making its decision.

The Sub-Committee has listened carefully to the representations and information supplied by the applicant and acknowledges the recent engagement with the community undertaken by the applicant to try to address any concerns members of the community have.

The Sub-Committee have weighed up the evidence very carefully and balanced each party's position and the concerns raised and have reached the decision that the application should be granted.

The sub-committee would strongly advise that should the premises licence conditions not be complied with, that the residents inform the appropriate responsible authority, for example the Police, Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented.

**7. APPLICATION FOR A VARIATION OF LICENCE IN RESPECT OF HEREFORD RUGBY FOOTBALL CLUB, WYESIDE, BELVEDERE LANE, HEREFORD, HR4 0PH - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda published on 21 May 2025.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. No representations were received from the responsible authorities. Thirty six (36) relevant representations were received from members of the public that the licensing authority accepted as being relevant. The Licensing Officer summarised the application and provided an overview of the representations received.

The Sub-Committee heard from the public representatives that:

- The local community was proud of the rugby club and happy to see the club attempting to diversify to remain viable.
- The club was located in a conservation area, adjacent to a Site of Special Scientific Interest, close to cathedral and on banks of River Wye. It was a sensitive location.
- During determination of the current licence, approved 4 years ago, residents had raised concerns regarding the noise nuisance that would be caused and the change in the atmosphere to the area. Noise nuisance existed for locals up to 11:00 p.m. but people were tolerant and few complaints were made. People generally accepted the current licence as they wanted the club to thrive.
- The variation of 2:00 a.m. is too late. The terminal hour was later than other rugby clubs and there was a risk the goodwill of local residents would be lost.
- The rugby club explains the need for an increase in income however it was not acceptable for local residents to suffer the consequences.

- It is a rugby club, not a nighttime venue and there would be significant noise from the club as well as the noise caused by people arriving and leaving.
- The whole community was concerned, the application would undermine community cohesion and have a detrimental impact on the neighbourhood.
- It was a reasonable assumption of local residents that the noise currently heard up to 11:00 p.m. would now be audible until 2:00 a.m.
- When the application was advertised on site notices, there was no webpage reference and to view the application an appointment at the council was required,
- There could have been better communication from the club before the application was submitted.
- Recent correspondence from the rugby club referred to amendments to the application but there was a lack of clarity regarding the nature of these amendments.
- The licensing objectives contained the aim of preventing public nuisance. The increase in noise, disturbance and anti-social behaviour posed by the application was counter to this objective and 2:00 a.m. was too late within the residential setting of the club.
- In order to avoid noise and disturbance and reduce community tension the terminal hour of the licence should remain at 11:00 p.m.
- The south side of river had a number of residents whose homes faced the rugby club. However, no notification was provided to the local ward member of the neighbouring ward. It was doubted that residents on the south side of the river were aware; there would have been more objections to the application if they had been aware.
- People on the south side of the river were affected by the noise from the rugby club with sound travelling over the water.
- Local residents had become accustomed to an 11:00 p.m. terminal hour but 2:00 a.m. was very late and would cause a great deal of disturbance.
- The applicant has expressed the desire to not upset neighbours but noise will be heard clearly on both sides of the river until very late. The noise and disturbance caused to people accessing and leaving the rugby club would be unacceptable and the sub-committee was urged to reject the application.
- The current licence allowed live music 10 am to 11 pm which was not acceptable.
- Local residents explained that when music was played at the rugby club they had to leave their property as the noise was unbearable. There was no control of the noise generated. The rugby club was supposed to warn the public but this did not occur. Furthermore, the rugby club should provide a telephone number for local residents to contact in the event of excess noise but this was not available.
- At mid-week training sessions loud music had been played outside. The rugby club had been emailed to request it stops but no action had been taken. There was no regard for the immediate neighbours of the rugby club.
- The later terminal hour of the licence was beyond what was reasonable for local residents to tolerate. Significant money had been spent on new changing rooms and doubt was expressed that income generation was required with increased licensing hours.
- Noise from an outside bar was unreasonable. The noise was audible over a long distance and there was nothing to protect local houses from the noise. Moving the events inside did improve matters but noise would still be heard.
- There had been annoyance and distress caused by the application and objections had been received from local residents on each side of the ground.
- In Broomy Hill there would be a significant increase in noise and nuisance caused by car and people on Belvedere Road accessing and leaving the venue. The application and the late noise and disturbance would change the residential area for the worse.

- The provision of a pitchside bar at the rugby club was not in keeping with health and wellbeing objectives of a sports club.
- There were objections to the club becoming an entertainment venue.
- The application, as it stands, means there is potential for a large increase in people attending events and the consequent increase in noise.
- The present licence is very generous and noise is heard and causes disturbance later than the terminal hour in the current licence.
- Local residents tolerated some noise up to 11:00 p.m. but a terminal hour of 2:00 a.m. was unacceptable. The later licence would destroy the enjoyment of property and a peaceful life.

Following questioning by the Sub-Committee it was confirmed that:

- That emails were sent to the club which were not answered after a mobile audio device was used during a training session.
- The hours that music was currently permitted were clarified; until 11:00 p.m.
- Representatives from the rugby club explained that a point of contact would be nominated in the club to enable local residents to contact with concerns and complaints.
- In response to a question regarding complaints made to the responsible authorities it was explained that the Police had been called on one occasion. An attempt had been made to complain to the environmental health team but the council's website had been confusing as to how to lodge a complaint.

The Sub-Committee then heard from the Applicant's representatives that:

- The hours proposed in the application would bring the rugby club in line with other venues. The licensing hours would be extended to include music and late night refreshment until 2:00 a.m. on Friday and Saturday. Currently activities were permitted until 11:00 p.m.
- The rugby club wanted to extend the hours to enhance operations and to provide a facility for the benefit of the local community.
- The rugby club would promote licensing objectives during extra hours within the application.
- A number of representations concerned the disturbance and noise nuisance that would be caused by the extended hours.
- It was noted that none of the responsible authorities had commented or objected on the application.
- A significant number of conditions were proposed to ensure the rugby club upholds the licensing objectives. In the event of a breach of condition a responsible authority or anyone had the right to request a review of the licence.
- In the conditions to the application was contained a clause that noise or vibration shall not emanate from the premises so as to cause a nuisance.
- The rugby club could run events with the use of Temporary Event Notices (TENs), the current application would not result in establishing a nighttime venue.
- The rugby club was sensitive to the concerns of local residents, the frequency and type of events would be limited to special private events only.
- All activities would be located within the club house after 11:00 p.m. with doors and windows closed. Except in the event that TENs specified otherwise.
- There was anecdotal evidence of raucous events but no evidence of complaints to support the contention.
- At the sub-committee meeting in 2021 at the which the licence currently in effect was granted, a telephone line was made available for local residents. This was provided on the website but no complaints had been received, no crimes reported or noise complaints made to the council.
- The rugby club would maintain careful watch to ensure no transgression of the licence conditions.

- Additional measures would be put in place to ensure events end swiftly and quietly.
- There was some fear and speculation contained in representations which raised concerns about the consequences of granting the application. The sub-committee should not base its decision upon such assumptions but should base its decision on evidence. There was no definite evidence concerning complaints about noise and nuisance.
- The concern that a complaint from a local resident had not been acknowledged was understood. The rugby club must review the ability of members of the public to make contact and raise concerns.
- The concerns raised will be reviewed and local residents were encouraged to approach the club. A dedicated contact and phone number would be made available.

Following questioning by the Sub-Committee it was confirmed that:

- A letter sent by the rugby club to local objectors was not received by the licensing department. The letter proposed an amendment to the conditions in the licence to restrict the number of events taking place up to 2:00 a.m. to 8 per annum between 1 May and 31 August and proposed a dispersal and management policy.
- The proposed condition required clarification the following was tabled at the meeting for inclusion in the application:

*We offer conditions that:*

- *A terminal hour of 02:00hrs for licensable activities will apply on eight occasions per annum, between the months of May and August annually.*
- *The Premises Licence Holder will implement a Dispersal & Management Policy, which shall form part of this Premises Licence as an appendix.*

## ***Dispersal and Management Policy***

### ***Introduction***

*The Dispersal Procedure is designed to make the maximum contribution by exercising pro-active measures, towards and at the end of trading, to move customers from the venue and its immediate area in a swift and orderly manner to minimise disturbance.*

- 1. The HRFC's contracted cleaning company will maintain the area immediately outside the entrance to the club and will address any undue littering.*
- 2. Signs will be displayed in outside areas used for smoking requesting patrons be quiet and considerate.*
- 3. All staff working after 22:30hrs will receive training on the implementation of this policy and the importance of ensuring quiet and swift dispersal.*
- 4. When regulated entertainment is provided indoors doors and windows will be kept closed from 23:00hrs*
- 5. Private Hire and Taxi company telephone numbers will be made available to customers who wish to book transport home.*
- 6. Clear and prominent notices will be placed at the exits requesting exiting customers to leave quietly and to respect neighbours and their property. If necessary, staff will use the signs as a polite reference/reminder to highlight to customers as they leave.*
- 7. Patrons will not be permitted to leave the venue with alcoholic beverages in open vessels.*
- 8. Staff will monitor the area immediately outside the premises and, where necessary, actively encourage customers to leave the area.*



9. *A member of staff will remain on the premises until all patrons have left the area.*

- The phone number which should be provided on the rugby club website could not be found and it was agreed that the number should be highlighted and easily accessible in the future.
- Clarification was received regarding the tabled condition and dispersal and management policy. There would be eight (8) events during the year between 1 May – 31 August, the occasions would consist of high class celebrations including weddings, dinner dances charity fundraising events. An occasion was defined as a single day event. It was clarified that, other than the 8 specified events, the hours for licensable activities, which includes the provision of late-night refreshment, on the current licence would apply.

The Sub-Committee took representations from public representatives regarding the tabled condition:

- There was concern that the 8 occasions specified in the tabled condition excluded other events like Rock the Wye or events which could be the subject of TENs applications. Such applications did not have recourse to local residents and only required the clearance of the Police and Environmental Health. Rock the Wye could feature music up to 11 p.m. on each day of the weekend and the Wye Float would also cause unacceptable noise nuisance to local residents.
- The 8 events were unreasonable in addition to all of the other events that took place in the area including the Wye Float.

The Sub-Committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The Sub-Committee's decision is to grant the application as amended in accordance with the submissions made by the applicant's agent during the hearing and the documents provided during the hearing itself.

The conditions to be added to the licence are as follows:

- A terminal hour of 02:00hrs for licensable activities, which includes the provision of late-night refreshment, on Fridays and Saturdays will apply on eight (8) occasions per annum only, between 1 May and 31 August annually. In any other case the current licence remains unchanged.
- The Premises Licence Holder or Designated Premises Supervisor will provide the Licensing

Authority no less than 14 days notice of the proposed dates of the eight (8) events

- The Premises Licence Holder will implement a Dispersal & Management Policy, which shall form part of this Premises Licence as an appendix.

Under the Licensing Objective Prevention of Public Nuisance, the following conditions shall apply;

- A named single point of contact and contact telephone number will be publicised on the Premises website, so that local residents can report any noise issues directly to the Premises. All calls will be logged by time, location and contact number and an address will be requested and will include details of any remedial action taken. The log will be kept on site and be readily available at the request of a duly authorised Council officer.
- The single point of contact and contact telephone number will be operational throughout the hours of regulated entertainment.

## REASONS

The Sub-Committee has fully considered the detailed report, application and written representations in the report pack, presented to the hearing by Senior Licensing Officer Emma Bowell, as well as the evidence presented at the hearing by representatives of the applicant Mr Semper, the Chair of Hereford Rugby Club Ivan Powell and Club Secretary, Emyr Saer. The committee has taken into account all the relevant paperwork including policy and guidance.

The Committee noted that there were no relevant representations from the Responsible Authorities.

Thirty-six (36) relevant representations were received from members of the public. The Sub-Committee fully recognises the concerns raised by the public representatives and the reasons why the representations have been made. In particular, the Sub-Committee notes the concerns relating to the potential for increased noise, disturbance and nuisance and the potential for various forms of anti-social behaviour in a predominantly residential area.

The Sub-Committee understands and appreciates the concerns expressed that the proposed activities at the rugby club may have an adverse impact on the atmosphere in the surrounding residential area.

The Sub-Committee has listened to the representations made by members of the public and takes their views and observations about the potential impact upon the community seriously.

The Sub-Committee has considered the conditions proposed within the application, in particular,

- *Alcohol sales for consumption ON the premises will end 30 minutes before closing every day to ensure adequate time for patrons to consume drinks.*
- *When regulated entertainment is provided all windows will be kept shut, with the exception of ingress or egress, after 2300 hours.*
- *Alcohol sales provided outdoors will end no later than 23:00hrs on any day.*
- *Regulated entertainment will not be provided in any outdoor area after 23:00hrs*

During the hearing, the Sub-Committee were informed that the application was to be amended by the applicant, in particular that the terminal hour of 02:00hrs for licensable activities, which includes the provision of late-night refreshment, on Fridays and Saturdays will only apply on eight (8) occasions between 1 May and 31 August annually.

In any other case the current hours outlined in the licence remain unchanged and this was proposed as a condition on the licence.

The late notification of the amendment was frustrating for the Sub-Committee, as it appeared the amendments had been proposed by the applicant in advance of the hearing but that the Licensing Authority and therefore the Sub-Committee had simply not been notified.

The Sub-Committee were of the view that this condition mitigated some of the concerns being raised by members of the public, as the licence is to remain largely the same as the licence operating currently.

The Sub-Committee acknowledged the recent engagement with the community undertaken by the applicant to try and address any concerns members of the community have but also noted that some members of the public expressed that they had found it very difficult to engage with the Rugby Club about their concerns and had often not received a response.

The Sub-Committee would like to advise the members of Hereford Rugby Club present at the meeting to take on board the representations made by members of the public and operate their licence in a sensitive way and respond to concerns that are raised with them.

The Sub-Committee listened carefully to the representations and information supplied by the applicant. In particular, the committee noted the intention to host charitable events and create a community venue.

The Sub-Committee have weighed up the evidence very carefully and balanced each party's position and the concerns raised. The Sub-Committee is aware they should give appropriate weight to the representations received from members of the public and make their decision with a view to promoting the licensing objectives in the overall interests of the local community.

The Sub-Committee has taken this application very seriously, the very late amendments proposed by the applicant, once clarified in their nature, were an important factor in the Sub-Committee's decision. The additional conditions on the licence are considered to be appropriate and proportionate to prevent any nuisance arising from the operation of the premises licence.

The sub-committee would strongly advise that should the premises licence conditions not be complied with, that the residents inform Hereford Rugby Club and/or the appropriate responsible authority, for example the Police, Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented and that residents have the right to call for a review of the premises licence should they believe that the premises are undermining one (1) or more of the licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance, or the protection of children from harm.

The meeting ended at Time Not Specified

**Chairperson**