

HEREFORDSHIRE COUNCIL
Licensing Act 2003

**REPRESENTATION FORM – INTERESTED
PARTIES**

Please return this form, and any additional information within the statutory period to:
**The Licensing Section,
County Offices,
PO Box 233,
Bath Street, Hereford,
HR1 2ZF
licensing@herefordshire.gov.uk**

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

When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about: Neighbouring Resident
Name & Address of premises you are making a representation about: The Live and Let Live, Whitbourne, WR6 5SP (Application ref PRO 1656)	

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

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

To Prevent Public Nuisance

~~Contrary to the impression given in the general description of the premises, The Live and Let Live is located at the centre of Whitbourne within the settlement area and adjacent to a number of residential properties. (See Attachment 1)~~

~~The rear elevation of residences located immediately opposite 'The Live' face it. This contains their main living areas including living rooms, kitchens, bedrooms and the garden area thus increasing the impact of any late night noise disturbance interfering unreasonably with the residents personal comfort and enjoyment.~~

As residents of the above address for over 26 years, we have seen the pub scene change over the years and tolerated the occasional noise nuisance. When amplified music is played on the premises of 'The Live' it is audible in our bedroom and living room. This can be tolerable when the amplification is at a reasonable level, no doors or windows are open, functions are relatively infrequent and terminate at a reasonable time. From experience it becomes unacceptable and an intrusive nuisance as both amplification and 'audience participation' increases in noise which happens as functions progress through the evening. On a number of occasions, particularly over the December / January period of both 2011/12 and 2012/13 we have had to telephone West Mercia Police to report the nuisance (as telephone calls to the pub were unanswered) and also reported the violations of license to HCC. We have also had to complain in the summer months when doors and windows are open and also amplification has been used for long periods outside

of the main building.

~~Section 1.4 of the current HCC Statement of Licensing Policy states that it is "The Licensing Authority's aim is for the licensing process to allow the retail sale/supply of alcohol, in a way which ... is not to the detriment of residents, nor gives rise to loss of amenity." Daily licensing of alcohol and music until midnight would be in contravention of this requirement.~~

~~The widely accepted 'standard' licensing hours end at 11:00 pm (Mon – Fri) and 10:30 pm (Sunday). These hours are adhered to by the Wheatsheaf public house which is also located in Whitbourne approximately 550m from The Live and Let Live. No evidence has been provided by the applicant as to why longer licensing hours are required or how subsequent impacts on the local amenity would be effectively mitigated or addressed as required in Section 13.1 of the HCC Statement of Licensing Policy.~~

~~The application refers to a function room rather than restaurant as the room has previously been used. The implication of this is that vehicle movements to and from the venue will be concentrated at the start and end of the function, rather than dispersed over a period as would be the case for ad-hoc dining.~~

~~Dispersal from a function can take some time with informal conversations by patrons in the car park. If licensing concludes at midnight, this noise nuisance could realistically continue well beyond this time.~~

~~Whitbourne has no street lighting in the area of 'The Live' For safety reasons, beer garden and car park lighting would need to be illuminated until patrons have dispersed. As car park lighting is currently directed away from the premises impacting on residential properties this will have an adverse effect on the amenity.~~

~~Section 1.8 of the current HCC Statement of Licensing Policy recognises that Herefordshire has "many areas lying in tranquil rural surroundings whose amenity the Council has a duty to protect" and for which "factors may be taken into account in relation to applications that may have a material impact on a vicinity". Whitbourne is such a location and the extended opening constitutes a material impact.~~

~~The above was supported when planning permission was refused on appeal in June 2013 for a venue to hold a maximum of 16 small wedding functions per annum (non-resident guest numbers of 30 – 60) concluding at midnight in a large residence located within the Parish approximately 400m outside of the main settlement area and within a cluster of residential properties (Appeal Ref. APP/W1850/C/13/2192174). This appeal considered very similar issues to those presented in this case. In refusing the application, the Inspector (Mr J P Sargent BA(Hons) MA MRTPI) stated as one of the key reasons~~

~~"After midnight, there is then a further source of noise as the guests disperse... whether in private vehicles or taxis, and even accounting for some going earlier many would remain until the reception ended. This would give rise to further talking between guests, car doors being shut and engines starting that, again in this quiet and peaceful location in the early hours of the morning, would be an unacceptable noise nuisance".~~

Signed:

Date: 14/11/14

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



Representation Form – Interested Parties Suggested Conditions

Premise: The Live and Let Live, Whitbourne, WR6 5SP
(Application ref PRO 1656)

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.

Prevent Public Nuisance

Prior to The Live being sold to Enterprise Inns, it was a thriving and profitable privately-owned operation. This was achieved with licensing times terminating at 11 pm Monday to Saturday and noon to 10:30 on Sunday.

I would propose that this represents realistic and acceptable licensing hours for a village centre pub which is located adjacent to residential properties. This view was endorsed by a motion at Whitbourne Parish Council meeting held on 4th November 2014.

The proposed closing times are more compatible with the premises closure time of midnight as stated in section L of the application by allowing reasonable 'drinking-up' time.

Also, they would not prevent functions being held provided they take place within the permitted hours or are subject of a Temporary Event Notice.

Signed: [REDACTED]

Date: 14/11/14

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Licensing Helpline on 01432 260105