

**Correspondence between TLG & Objector  
Re Weavers, LEDBURY – Premises Licence Application.**

For the purposes of clarity, the original correspondence is shown in black type, the objector's response is shown in red and our response to that is shown in blue...

Thank you for your reply.

Our response is now in Blue, and is written in conjunction with our understanding of the professional advice obtained from the Planning Consultant. Any Planning considerations are provided on a 'without prejudice' basis.

These are our responses to the entirety of your initial correspondence.

Please also bear in mind The Licensing Authority have already informed you that they will be confining any Hearing to the matters highlighted in YELLOW. As a matter of courtesy, we have outlined our position regarding the all your observations as we seek to engage fully with you.

These are our explanations of the legal position as we see them, for your fullest and earliest information. However, we cannot really spend more time in discussing matters which are not relevant or pertinent to the Licensing application – which is what we should actually be discussing right now.

Therefore, and with absolutely massive respect, we will not be engaging in any further correspondence on matters outside the scope of the yellow highlighted text.

Can I honestly and openly suggest that you obtain independent legal advice from an experienced licensing solicitor, and place all this correspondence before them so that you can gain an overview of all our discussions with regard to the veracity and accuracy of the information we have to date imparted?

You may also speak with the Licensing officer, from the Licensing Authority who is cc'ed into this correspondence, whom I know will provide you

with independent guidance or direct you to the relevant legislation – being the Licensing Act 2003 and the s182 Statutory Guidance issued by the Secretary of State. Both these sources are available online. I think that would be a productive way forward.

In the meantime, I invite you to revisit the passages of the correspondence highlighted in yellow, in order to ascertain if there is anything else we can assist you with by way of any further conditions that we can propose, which will reassure you that whatever it is that you do fear will not come to pass when these premises open?

If there are no further conditions that you can think of which would address your fear and speculation about what may or may not happen, then I invite you to withdraw your Representation. Of course, should any issues occur after the Grant of this new Premises Licence, then you can bring them to the attention of the operator, or indeed the Responsible Authorities (e.g. Police or Licensing Authority and lay before them any evidence you have adduced to support your complaints in order that they may take any appropriate action.

With kindest regards as ever,

Nick S for TLG.

*Dear Nick,*

*Thank you for your call, your e mail and my subsequent e mail to you*

*Please see our comments outlined in red. Like you, we have also addressed other items not concerned with License Application*

Dear XXXXXX,

Thank you very much for talking to me on the telephone just now.

We have received a copy of your Representation from Herefordshire Council Licensing Section, who explained to you that we would be in touch with you to discuss the application and your concerns. These negotiations form part of the process, hence I have cc'ed the Licensing Officer into our correspondence.

Your Representation is repeated below and I am responding to your issues in **Green** type. My understanding is that the Licensing Authority have identified that sections of your Representation are not relevant to the matter before the Licensing Sub Committee and the portion they deem as relevant is highlighted in Yellow. However, for completeness, I have commented on other portions of the Representation as appropriate.

***Our representation covers various aspects of the three items indicated on your form and we have outlined areas which we cannot see covered on the application form and which raise concern.***

***The safety of both pedestrians and guests of the establishment must be addressed. Agreed, whilst they are using the premises. Surely, the safety of pedestrians whilst leaving the premises is also important. The entrance is set back from the pavement and behind a step and the pavement is larger than a standard pavement.***

***The traffic lights do not impinge on the use of the pavement and the size of the road, which is one way, is deemed perfectly adequate by the Highways Department for its continued use.***

***Both congestion or racing cars – it's hard to envisage both scenarios occurring outside Number 4 at the same time. However, racing cars in a built up area with a 30mph an hour speed limit whilst approaching working traffic lights is obviously an issue for the police.***

*Congestion will occur because of the traffic lights stopping traffic to allow for filtering over and into the High Street. Unless the cars are on the pavement, none of these issues affect the safety of pedestrians.*

*As the new Weavers pub proposal does not offer parking there will be no increase in traffic due to the development.*

*There is no outside seating or anything that would lessen the current size of the pavement or inhibit its use.*

*Indeed the property has not been a source of accidents during its lifetime as a commercial premises when people have of course always entered and left through the entrance and onto the pavement.*

***With possible accidents in mind, the entrance to the property opens directly onto a small pavement, a narrow road and traffic lights; we are well aware of the cars racing to go through the lights and the congestion that regularly happens with pedestrians using this small pavement area.***

***In our submission, this would be a matter for the Planning Committee of Herefordshire Council and not a concern of the Licensing Authority. Our understanding is that these premises were licensed in the past, and any change in permitted usage of the premises is in the hands of the Planning Group who are dealing with such factors on behalf of the applicant.***

***From Memory, some years ago there was a restaurant on the premises, we are unaware of it ever being a pub. We look forward to viewing your planning application when submitted.***

***With possible accidents in mind, what procedures, in addition to guests entering and leaving, have been put in place for the delivery of barrels and crates in this narrow area? Weavers do not use HGV delivery vehicles, but use a van to deliver their stock, such is the volume of their deliveries. Deliveries will take place in accordance with the Road Traffic Act and associated regulations regarding the loading and unloading of commercial vehicles. With regard to deliveries, however large or small the vehicle, please refer to pavement & road width & adjacent traffic lights***

***Deliveries will be taken directly inside the premises and not left outside the premises or on the pavement.***

**The safety and security of occupants of adjacent premises; potential noise and nuisance.**

*The alleyway is to be used as an emergency exit in the event of an emergency and is not for general use for the public.*

*The alleyway must remain open as it is a right of way and therefore it is unlawful to substantially interfere with its use.*

*Substantial interference would be to lock it and prevent people who have a legitimate right from using it.*

*The fact is that the alleyway would have been open when Number 4 was a shop, Indian Restaurant, wine bar and estate agents.*

*The flying freehold is not affected by the use of Number 4.*

*We note that the objector has raised maintenance issues regarding the alleyway – this is not a planning matter and the maintenance of the alleyway falls to the owner of the alleyway.*

*It is unlawful for a person with a right of way to attempt to improve the right of way.*

*From the sketch attached to the application form it appears that the emergency/fire exit is via a pathway/archway into New Street. It also appears that a rear entrance from the licensed premises will open onto the same pathway. We, along with other properties, have a right of access on this pathway and, in addition, we have a flying freehold over the pathway. **Thank you for that information. Of the two doors from your premises leading onto the alleyway we have knowledge of only one being open as an entrance to the upstairs flat, the other has always been closed and unopened.***

*What measures are being taken to ensure the legal requirements are maintained ? **You have explained that the legal requirements you refer to are the rights of users to use this passage. We have no intention whatsoever to obstruct, preclude***

**or deny the rights of any person to use this passage. You confirmed that the premises owner is retaining the garden area, please advise where your empty bottles, casks, crates will be stored**

**What measures are being put in place to ensure the security and safety of these premises and of the occupants ? CCTV is not a preventative measure merely a recording of activities – unruly or otherwise. Customers will inevitably use, the emergency exit from the premises into the alley way and this could become as a drinking and smoking area.**

**With respect, CCTV is clearly a preventative measure, as otherwise why would anyone fit it were it not to alter offending behaviour and deter/prevent crime.**

**The Prevention & Deterrence factor is through the potential offender becoming aware of the presence of CCTV, thus assessing the risks of offending in this location to outweigh the benefits and consequently choosing either not to offend or to offend elsewhere.**

**Have the applicants taken into consideration :-**

**The security of adjacent properties during licensing hours when one would assume the alley is open. We will fit CCTV to cover the afore-mentioned passage. See above.**

**There will be no effect on the security of adjacent premises during licensing hours or during any other hours. The alleyway is not open to the public nor has it ever been, it is a right of way for certain people.**

**The rear of Number 4 is an area on unkept ground, is any access to the public envisaged ? This could raise the question of security, noise and nuisance to our property. This land has been retained by the owner of the property and will form no part of our licensable activities. Noted, see our comments above.**

**The rear of Number 4 is not included in the planning application and is not open to the public, and does not form any part of the Licensing application.**

**Where are bottles and barrels being stored, both empty and full ? Full bottles and barrels are stored in the cellar within the premises and empties will be stored in a bin to the rear. At what times of day will these actions take place? It is company policy that NO bottling up occurs between 20:00 and 11:00hrs daily.**

*The bottles and barrels will be taken into the premises and refilled on a “just in time basis”. Deliveries will be between 12 and 5pm.*

*It could be a late at night operation which would not be acceptable to the occupants of adjoining properties. Are any soundproofing measure being taken ?*

*I note that no bottling up takes place between 20.00 and 11.00 – please advise on the removal of items used during service*

*If sound proofing is deemed necessary, it can be conditioned as part of the planning approval.*

*There does not appear to be a marked smoking area? Correct. The vast majority of Weavers clientele do not smoke at all. If this is envisaged at the rear of the property or under the alleyway what fire safety measures are being taken ? No Smoking Area to the rear or in the alleyway to the side of the premises is entailed within this application. Customers who do smoke must make their own arrangements to smoke away from the premises in a safe and lawful manner. Noted, see above and in addition if customers use the street to smoke, please note our comments on street safety.*

*There is no marked smoking area and smoking is actively discouraged. Neither area that the objector has “envisaged” is open to the public.*

*Do the developers/owners intend to use the upper floors of the premises for licensed use ? If you mean the upper floors, these form the accommodation for the Manager and will form no part of the licensed footprint of the premises. The upper floors are not part of the planning application and will remain as residential use.*

*If so what sound proofing & fire barriers are being installed? Non-applicable, as Regulated Entertainment forms no part of this application, and the Fire Risk Assessment completed in conjunction with the H&W Fire & Rescue Service will dictate any provisions regarding Fire Safety. Noted, we await sight of the Fire Risk Assessment.*

*As above. Regulated entertainment forms no part of the licensing application.*

*Our understanding is that the FRA is a private document which is compiled by the business and signed off by the Fire & Rescue Service.*

*Ledbury already has numerous licensed premises and whilst we understand the proposed Weavers Pub is for the “more mature drinker” one has to question the need for another given the fact that within fifty yards there are three other licenced premises. With respect, ‘need for another’ arguments are specifically excluded in law from the consideration of the Licensing Sub Committee. Such considerations remain matters for ‘the market’. Noted*

*However, our concerns cover the safety of individuals , the prevention of crime, public nuisance. Perhaps a way forward would be for the applicant to answer our concerns. You are absolutely right. Herewith is our explanation regarding the concerns you have raised. If there are other measures you would like us to consider, please come back to us at your earliest convenience.*

Summary:

In order to address your concerns we would like to offer additional Conditions to the application to the following effect:

1. CCTV coverage shall be extended to the passageway to the side of the premises.
2. There shall be no ‘bottling up’ at the premises between 20:00 and 11:00hrs daily.

Thank you for your engagement. If you would respond either directly to us or via the Licensing Authority, then we would be obliged.