



**THE**  
**LICENSING GUYS**  
KEEPING YOU LEGAL AND TRADING

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19<sup>th</sup> March 2024

Dear Herefordshire Council Licensing,

**Re Forthcoming Hearing before the Licensing Sub Committee**

Thank you for the Agenda Pack online.

Please find attached four signed witness statements which rebut the allegations made against the operator of these premises contained within the Representations submitted with respect of this application.

Please also find attached a till receipt from the early hours of 17<sup>th</sup> February 2024 showing the last till transaction.

Here is a link to a video of the last customer leaving the premises at 00:07hrs on 24<sup>th</sup> February 2024 showing that the premises are closed thereafter.

<https://youtube.com/shorts/R1rssnMfecQ?si=sUFFqUJtuJG-UJVV>

We would be obliged if you would share all this material with the Licensing Sub Committee and Representors, and very much look forward to presenting our clients case before you at the forthcoming Hearing.

Kind regards,

*Chris Lucan*

The Licensing Guys™

**Chris LUCAN MSc, MIoL**



# Transactions

Completed

Pending



14:09

Sale, Authorised

52.25

**VISA**

13:26

Sale, Authorised

29.00

**VISA**

00:17

Sale, Authorised

34.45

Saturday

17 February



23:47

Sale, Authorised

162.70

**VISA**

23:34

Sale, Authorised

77.45

**VISA**

23:33

Sale, Authorised

90.65



23:32

Sale, Authorised

15.65

**STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

**STATEMENT OF Daniel MAISEY**

**Age of witness (if over 18, enter "over 18"):** Over 18

**This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

My name is Daniel MAISEY and I am the Assistant Chef at No 3 Restaurant, ROSS on WYE.

I am aware that the owner of 39 High Street, ROSS on Wye business has applied for a Premises Licence, and people have objected stating that the premises has been operating in a manner to cause a noise nuisance and crime & disorder issues in the High Street.

I walk past these premises four times a day as I go to and from work. [REDACTED] [REDACTED] from 39 High Street. I can say that it is rarely full of people, and it is invariably closed by 23:00 to 00:15hrs on any night of the week.

I have never heard any noise or disturbance coming from these premises, or people hanging around outside causing a nuisance. I have never heard any music coming from there either. When I've been at home at night, I have never heard any such problems and my bedroom overlooks the High Street.

I have absolutely no idea where these problems are coming from – I can only suggest that people complaining about these issues are confused as to their source.

[REDACTED]

**Signed:**.....Daniel MAISEY (witness)

**Date:** 19<sup>th</sup> March 2024

*(To be completed if applicable:..... being unable to read the above statement I, .....of ....., read it to him/her before he/she signed it.*

**Signed:** ..... **Date**..... )

**STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

**STATEMENT OF** Alison Mary PARK

**Age of witness (if over 18, enter "over 18"):** Over 18

**This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

My name is Ali PARK and I am a local singer and performer at the Wye Lounge at 39 High Street, ROSS on WYE HR9 5HD.

I am aware that the owner of this business has applied for a Premises Licence, and people have objected stating that the premises has been operating in a manner to cause a noise nuisance and crime & disorder issues in the High Street.

I can state that I was performing at the Wye Lounge on the night of Saturday 17<sup>th</sup> February 2024. We started to play at around 19:00hrs. We record on our system what time we played on our songs, and looking at our records we believe that we finished playing at 22:05hrs. From my receipts from the bar I can tell you that we settled the tab for the band at 22:20hrs. I stayed on in the premises until 23:30hrs.

The evening had been very good natured, the premises was all quiet, there was a very small group at one table when I left. The place was almost empty and there was no raucous behaviour. As we left, the premises was being closed up and we were almost the last to leave.



[Ali Park \(Mar 19, 2024 11:32 GMT\)](#)  
**Signed:** ..... Alison PARK (witness)

**Date:** 19<sup>th</sup> March 2024

*(To be completed if applicable:..... being unable to read the above statement I, .....of ..... read it to him/her before he/she signed it.*

**Signed:** ..... **Date**..... )

**STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

**STATEMENT OF** Peter PRICE

**Age of witness (if over 18, enter "over 18"):** Over 18

**This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

My name is Peter PRICE and I am the Head Chef at No 3 Restaurant, ROSS on WYE HR9 5HD.

I am aware that the owner of 39 High Street, ROSS on Wye business has applied for a Premises Licence, and people have objected stating that the premises has been operating in a manner to cause a noise nuisance and crime & disorder issues in the High Street.

I can state that I park my car around the rear of 39 High Street, and my co-worker Daniel MAISEY [REDACTED]. On every working night, after we close up No 3 I walk down past No 39 to return to my car. So: This means that I walk past 39 High Street, front and back, at about 23:00hrs on normal weekdays, 00:00hrs on Friday nights and 00:30hrs on Saturday nights into Sunday mornings.

Apart from their opening night when they first obtained their Temporary Licence when they were full, the premises has always been quiet and nearly closed. There may be one or two diners still inside on the odd occasion, but invariably they are in the process of closing up.

I can say that at no time have seen or heard any loud noise from live bands or discos, no noisy badly behaved customers and absolutely no disturbances coming from or associated with these premises whatsoever. I do not know where these reported problems are coming from but can state that in my opinion and from my own personal observations in this street at these times, any issues cannot be coming from 39 as they are closed or closing down at the end of the evening.

**Signed:..** [REDACTED] .....Peter PRICE (witness)

**Date:** 19<sup>th</sup> March 2024

*(To be completed if applicable:..... being unable to read the above statement I, .....of ....., read it to him/her before he/she signed it.*

## STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

**STATEMENT OF** Baftjar ZHUZHI

**Age of witness (if over 18, enter "over 18"):** Over 18

**This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

My name is Bafti ZHUZHI and I am the proprietor of the Wye Lounge at 39 High Street, ROSS on WYE HR9 5HD.

I have applied for a Premises Licence, and people have objected stating that the premises has been operating in a manner to cause a noise nuisance and crime & disorder issues in the High Street.

I have been working in the hospitality industry for 17 years, during which time, I have successfully established and run AVELLINO restaurants at 10 High Street Ross on Wye from 2016 until 2021 and have never had any adverse issues with police nor neighbours, whatsoever, during that time. I have also got to know the locals very well and it is fair to say, it has been a joy to constantly receive compliments from different generations from kids to parents and grandparents gathered in our establishment celebrating any occasion. We are family centred and provide something for everyone from soft drinks and coffees, wine, beer mock-tail and cocktails, but with the common aim of bringing families and communities together and celebrating without the need for them to travel for miles.

The businesses have offered, then and now, opportunities to the younger generations to gain employment in the form of part time jobs while they study and other places, full time whilst learning a new and worthwhile trade keeping them engaged and clearly 'off the street'.

Not allowing us to have the premises alcohol license we feel is a totally unwarranted punishment not just to the business but also to the 1000s of happy customers that have been waiting patiently for us to start working again.

It is worthy of note that we are located on a High Street with numerous pubs, bars and restaurants all round, with the inevitable consequence of high footfall as there are a-lot of people that do gather by the market place or pass by our door step and, as a result there is often noise unrelated in any form to us, way past our closing times ... and not involving our customers at all.

There is clearly confusion as to the source of the reported noise.



I am able to explicitly state that on 16<sup>th</sup> February 2024, the last customers, left at around midnight and there was no music whatsoever, even prior to then.

Whilst we do employ a recording CCTV system, the opportunity to retain this date has passed, given the date we received notice, however, I am able to produce the till receipt for this date, which clearly demonstrates, the last sale was made at 00:17 hrs on the 17<sup>th</sup> February 2024 (despite the fact we were, licensed until 02:00hrs). I exhibit this document as BZ01.

With regards the second date mentioned within the Representations, notably 24<sup>th</sup> February 2024, I am able to state that the last customers left the premises at 00:07hrs, peacefully and that there were no further sales and that music was turned off well before then. This event is captured by time and date stamped CCTV footage, which plainly demonstrates the premises completely vacated. I exhibit this as BZ02. This is pattern replicated in all instances and it abundantly plain that we are not, nor ever have been the source of any disturbance.

There is a further suggestion that the premises are not managed and that underage sales are made. This is frankly insulting. It is contrary to our ethics and business model and again, the footage aptly demonstrates the true picture of an orderly, quiet and very pleasant venue.



Baftjar Antoniö Zhuzhi (Mar 19, 2024 12:55 GMT)

**Signed:**.....Baftjar ZHUZI (witness)

**Date:** 19<sup>th</sup> March 2024

*(To be completed if applicable:..... being unable to read the above statement I, .....of ....., read it to him/her before he/she signed it.*

**Signed:** ..... **Date**..... )