

**LICENSING-SUB COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Crown Inn, Lea, Ross on Wye, Herefordshire, HR9 7JZ LICENSING ACT 2003.
APPLICANT'S NAME	Rose Savidge and Mark Savidge
APPLICATION TYPE	Variation of a Premises Licence
PANEL MEMBERS	Councillor Polly Andrews Councillor Dave Davies Councillor Richard Thomas
DATE OF MEETING	13 March 2025

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 5 March 2025.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. Two representations were received from the responsible authorities, Trading Standards and The Licensing Authority as a responsible authority. The conditions requested by the responsible authorities have been accepted by the applicant. Seven 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:

- Lea Parish Council voted unanimously to oppose the application as currently drafted.
- The investment in the pub was impressive but there were concerns about the late opening of a pub in the centre of a rural village surrounded by residential properties.
- The variation of the licence would permit the pub to open until 1:00 a.m. on two days per week which would result in potential, significant disturbance to local residents.
- It was recognised that actions had been undertaken to limit noise emanating from the pub but the possibility of disturbance existed with people entering and leaving the premises into late night hours.
- Disturbance from the pub would adversely impact upon the right of local residents to the peaceful enjoyment of their homes.
- The premises had been visited and the improvements undertaken were impressive but the pub was in a rural location and was surrounded by local residents. A 1:00 a.m. closing time was therefore not acceptable.
- There had been no acceptable explanation by the applicant as to why a 1:00 a.m. closing time was appropriate.
- The manager of the pub would not remain in post indefinitely and there was concern that a new post holder would not apply the same rules to limit the adverse impact of the premises on local residents.

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

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- It was confirmed that Tom Howarth was the manager. He had been provided with a personal licence and an application would be made to appoint Mr Howarth as the Designated Premises Supervisor (DPS).
- The public house had been owned by the family for over 20 years and a recent project had been undertaken to renovate the premises.
- It was intended that the pub would be at the heart of the community.
- It was recognised that the hours on the application were a concern to local residents and therefore the local community had been engaged with by the applicant to understand and address such concerns raised. Local objectors had been invited to the pub to see the changes and discuss their concerns.
- It was acknowledged that the main concern related to an extension to the Friday and Saturday opening hours. The pub would not be playing live music except on limited occasions and recorded music would be played as background music.
- It was intended that the pub would provide a classic country pub atmosphere and would not seek to be a late night drinking establishment.
- Windows would be closed after 11:00 p.m. Speakers would be angled away from windows and any outdoor speakers would be turned off at 11:00 p.m. Complaints and problems involving noise would be addressed promptly.
- The pub would stop serving alcohol one hour before the 1:00 a.m. closing time and not admit any new customers after 11:30 p.m.
- The upper tier of the garden would be closed at 9:00 p.m.
- Signage would be in evidence at the premises explaining the proximity of local residents and asking for patrons to respect neighbours.
- The pub would not provide a late night drinking location. The challenge 25 policy would be in place and intoxicated customers would not be served. There would be regular training of staff and CCTV would be in place to monitor patrons.
- At New Years Eve it was hoped that there would be compromise regarding the late night opening.
- Extra parking had been installed for patrons to the pub.
- Tom Howarth was the current manager, any future manager would apply the same principles around the management of the pub.
- The pub sought to work alongside the local community and the local authority.

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

- An application for a DPS had not yet been undertaken but this would be forthcoming and an application for Tom Howarth to be the DPS would be made.
- The pub would provide five guest bedrooms.
- Local residents who had raised objections to the application had been invited to the pub. Four of the seven local objectors had visited the pub and three had not responded to the invitation.
- The closure of the top tier garden would be managed with the locking of gates leading to steps up to the upper garden at 9:00 a.m. The closure of the garden would be reinforced with signage.
- The rationale for the later closure of 1 a.m. was provided. Customers would not be able to buy drinks after 12:00 midnight and would finish their drinks and leave. There would be no mass exit of patrons from the pub at a set time; rather, a process for staggered leaving times would effectively be in place.

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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 respect of the outside bar area which was withdrawn by the applicant.

REASONS

The Sub-Committee has fully considered the detailed report, application and written representations in the report pack presented to the hearing in the report pack by Senior Licensing Officer Emma Bowell, as well as the evidence presented at the hearing by representatives of the applicant Ben Savidge, Claire Cunningham and Tom Howarth and public representative, Steven Banner. The committee has taken into account all the relevant paperwork including policy and guidance.

The Committee notes from the Officer's report that reference to the outside bar has been withdrawn by the applicant.

Two (2) representations were received from the responsible authorities, Trading Standards and the Licensing Authority. The conditions requested have been agreed by the applicant. In particular the Sub-Committee notes the conditions agreed include;

- no admission to new customers after 23:30hrs,
- signage requesting customers to leave quietly,
- speakers within the premises shall be directed away from any residential property,
- no loud speakers in the external area after 23:00hrs and
- a curfew on when the outside areas can be used.

Seven (7) relevant representations were received from members of the public. The Sub-Committee fully recognises the concerns raised by the public representative 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. The Sub-Committee acknowledges the recent engagement with the community undertaken by the applicant to try and address any concerns members of the community have.

The Sub-Committee has listened carefully to the representations and information supplied by the applicant. In particular, the committee notes the intention to create a family friendly community venue and not a late night club style venue. The Sub-Committee notes the reasons for the proposed variation of the premises opening hours to assist with people leaving the premises in a manageable way.

The Sub-Committee have weighed up the evidence very carefully and balanced each party's position and the concerns raised. The Committee considers that the additional conditions proposed by the responsible authorities and accepted by the applicant, strengthen the promotion the licensing objectives and are proportionate.

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The Committee notes that there is no DPS currently in place, there will need to be a DPS in place before licensable activities can commence.

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.

APPEAL INFORMATION

Under Schedule 5 Paragraph 4 of the Licensing Act 2003, the applicant or a person who made relevant representations, may appeal against the decision. Schedule 5 Paragraph 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.