

## OUT TO GRASS LEISURE LIMITED

### SUMMARY OF LICENCE HOLDERS SUBMISSIONS

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1. These submissions are aimed at assisting the Herefordshire Council Licensing Sub Committee, officers and local residents who are party to the application for review. In essence, it summarises the submissions that the licence holder will make to the Licensing Sub Committee (**LSC**) on Monday 23 March.
2. The licence holders' case is supported by the following:
  - Statement of Ian Johnson (DPS and Director of the Licence Holding Company)
  - **Annex 1** – Proposed Operating Schedule
  - **Annex 2** - Marketing brochure for OTG
  - **Annex 3** – Email of 24 April 2025 cancelling booking
  - **Annex 4** – Letter from Charlie Elcock
  - **Annex 5** – Noise Management Action Plan
  - **Annex 6** – Noise Management Plan
  - **Annex 7** – Noise Management Plan Monitoring Policy and Procedure
  - **Annex 8** – Noise Check Reports 19 July 2025
  - **Annex 9** – Noise Check Reports 26 July 2025
  - **Annex 10** – Noise Check Reports 5 September 2025
  - **Annex 11** – Email from Simon Durrant – event on 30 August 2025
  - **Annex 12** – Email form P Collins to HCC 3 September 2025
3. These submissions are structured as follows:
  - Revised National Guidance Issued under s.182 of the Licensing Act 2003 – February 2026
  - HCC Licensing Act Policy 2003
  - HCC Plans and Strategies
  - The Applicant and the Premises
  - Sound Management
  - The Application for Review
  - Representations supporting the review

- Representations supporting the Premises
- Options on Review
- Licence Holders Proposal
- Conclusion

## **Revised National Guidance issued under s.182 of the Licensing Act 2003 – February 2026**

4. Relevant sections of the National Guidance can be found at:

### ***Each Application on its Merits***

*1.17 – Each application must be considered on its own merits and in accordance with the licensing authorities' statement of licensing policy...*

*Conditions attached to licences...must be tailored to the individual type, location and characteristics of the premises and events concerned*

*1.18 – When making licensing decisions all licensing authorities should consider the need to promote growth and deliver economic benefit*

*1.19 In coming to a decision on individual licensing applications, licensing committees should have regard to relevant local plans and strategies – such as those relating to town planning, the night-time economy, or business support provided these considerations are consistent with the licensing objectives and the authority's published licensing policy*

### ***Powers of licensing authority on determination of a review***

*11.17 The licensing authority may decide that the review does not require it to take any steps appropriate to promoting the licensing objectives*

*11.20 In deciding which of (their) powers to invoke, it is expected that that licensing authorities should so far as possible seek to establish the cause or causes or the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than appropriate and proportionate response to address the causes of concern that instigated the review*

*11.23 It is always important that any detrimental financial impact that may result from a Licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives...*

## Council Licensing Act 2003 Policy

5. The Licensing Authority Policy (Page 2) recognises *“that the licensed entertainment business sector and community licensed facilities in Herefordshire contribute to the local economy and social infrastructure”*.
6. The Policy also states at page 2 that *“the Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in supporting an economy which builds on the county's strengths and resources, which is one of Herefordshire Council's aims.”*

## Herefordshire Council Plans and Strategies

7. The Herefordshire Council Plan 2024 – 2028 sets out how the council will make its contribution to achieving a better and more successful Herefordshire

*“Herefordshire is a hub for farming, business activity and tourism, and we are a county with true entrepreneurial spirit...”*

*Wonderful and growing tourism destination with a strong, renowned cultural and heritage offer...*

*We are committed to working alongside partner organisations to grow the tourism economy.”*

8. The Herefordshire Cultural Strategy 2025 – 2030 *“builds on the achievements of the 2019-2024 Cultural Strategy while responding to the changing context for cultural development locally, regionally, and nationally”*

*“Strategic Approach*

*Cultural Tourism: Positioning Herefordshire as a distinctive rural cultural and heritage destination through coordinated marketing, digital innovation, and development of the festivals and events offer...*

*The Opportunity*

*Cultural Assets: A rich ecosystem of cultural organisations, from the new Museum of Hereford to internationally recognised festivals to community-led initiatives, spanning urban and rural settings”*

## **The Applicant and the Premises**

### **Statement of Ian Johnson – paras 3 – 20**

#### **Annex 2 - Marketing brochure for OTG**

9. The Premises are situated on land that the Johnson family have been custodians of since the 1960's.
10. The premises has a seasonal business from early May through to September and was set as part of the Governments Rural Enterprise Scheme (1990) opening in August 2000 with the premises licence being granted in 2013
11. In excess of £500,000 has been invested in the site since it opened (*para 19 of the statement of I Johnson*)
12. The premises provides permanent employment for 4 people (*paras 17 and 18 of the statement of I Johnson*) and seasonal employment for many more (*para. 16 of the statement of I Johnson*).
13. The premises licence is structured such that different conditions apply to events with a capacity of under 500, with these events taking place over no more than 2-3 days, and for those events with a capacity of over 500.
14. There are no restrictions on the current licence limiting the number of events that can be held during the course of any calendar year.
15. The licence includes a condition that  
  
*“The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an ‘authorised person’ (as defined by Section 13 of the Licensing Act 2003) or the Police.”*
16. No such request has ever been made of the Premises Licence Holder or DPS

## **Sound Management**

### **Statement of Ian Johnson – paras 21 - 31**

#### **Annex 4 – Letter from Charlie Elcock**

#### **Annex 5 – Noise Management Action Plan**

#### **Annex 6 – Noise Management Plan**

#### **Annex 7 – Noise Management Plan Monitoring Policy and Procedure**

17. Significant time, money and effort is invested in noise management which, amongst other things, includes engagement with professional sound engineers
18. An action plan has been developed to further address sound management and provide additional mitigation against noise escape from the site (*Annex 5 Noise Management Action Plan*).

### **The Application for Review**

#### ***Statement of Ian Johnson – paras 32 - 35***

***Annex 8 – Noise Check Reports 19 July 2025***

***Annex 9 – Noise Check Reports 26 July 2025***

***Annex 10 – Noise Check Reports 5 September 2025***

***Annex 11 – Email from Simon Durrant – event on 30 August 2025***

***Annex 12 – Email form P Collins to HCC 3 September 2025***

19. The application for review has been commenced by the Environmental Health Officer and is based on 4 events that it is alleged have taken place at the premises over the course of 2025. Reference is also made in the application for review to noise abatement notices served on the premises 25 and 11 years ago.
20. Each of these events is attended to in the statement of Ian Johnson
21. On one of the occasions when it is alleged noise was witnessed coming from the premises, the premises were shut and not operating, and a further complaint arose after the premises had shut (*para 35 of the statement of I Johnson*)

### **Representations in support of the review**

#### ***Statement of Ian Johnson – paras 36 - 50***

22. The application for review has drawn 7 representations in support of the review
23. Of those who have made supporting representations, only 3 have previously engaged and raised their concerns directly with the premises.
24. It is the licence holders case they are being unfairly and incorrectly blamed for noise issues caused by other commercial and residential properties in the locality (*para 49 of the statement of I Johnson*)

## **Representations in support of the premises**

25. There are in excess of 90 representations supporting the premises.
26. These include local residents who are untroubled by the day-to-day operation of the site as well as people who have attended events at OTG and well as commercial organisations who have connections with OTG.
27. The picture that the significant majority of persons who have taken time in engaging with the process and writing to the Committee on this matter paint the picture of a welcoming and inclusive premises, taking their responsibilities seriously, proactively managing sound as well as customers attending events on site.

## **Options on Review**

### ***Statement of Ian Johnson – paras 53 – 55***

28. On a review the licensing authority has a range of powers that include:
  - Revocation
  - Suspension for a period of no more than 3 months
  - Removal of the DPS
  - Amend conditions
  - Taking no further action
29. The EHO has set out in the application for review a suggest list of options for consideration (which does not include revocation or suspension).
30. Mr Johnson responds to these suggestions at paras 53 and 54 of his statement.

## **Licence Holders Proposal**

### ***Statement of Ian Johnson – paras 57 – 59***

#### ***Annex 1 – Proposed Operating Schedule***

31. The licence holder submits that the appropriate way to deal with the application for review is to replace the existing schedule of conditions on the licence with those set out at **Annex 1**
32. This includes

- Removal of all non-standard timings
- Limiting the capacity of the premises to no more than 500 (inclusive of staff and performers)
- Limiting the number of Large Events where the capacity is over 300 (but no more than 500) to no more than 5 in any calendar year
- That a Noise Management Plan be produced
- That for Large Events an Event Specific Noise Management Plan be provided to the Licensing Authority and EHO no less than 14 days in advance of event
- Removal of all conditions in so far as they relate to events with a capacity of more than 500 people

33. This remedial action *is*

(a) directed directly at the causes of the review and

(b) is an appropriate and proportionate response to address the causes of concern that instigated the review

## **Conclusion**

34. The Licensing Authority must carry out its duties with a view to promoting the licensing objectives (s.4 (1)) of the *Licensing Act 2003*).

35. It follows that operators of licensed premises cannot, nor should not, be expected to manage every risk out of their operation, as a consequence of the operation by virtue of holding a premises licence.

36. In making their determination the Licensing Authority shall have regard to their Licensing Policy and the National Guidance (s.4 (3)) of the *Licensing Act 2003*).

37. The licence holder respectfully submits that, given all of the circumstance of this case, that the appropriate way to dispose of the Review is for the existing conditions attaching to the licence to be modified.

38. The existing conditions should be replaced with the updated, comprehensive and robust, schedule of conditions as set out at **Annex 1**

- 39.** The proposed conditions provide a proportionate balance between ensuring that the licensing objectives, and in particular that relating to the prevention of public nuisance, will be promoted, and address directly the concerns that the review has raised.

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**13 March 2026**