

AGENDA

Regulatory Sub Committee

Date: **Tuesday 6 September 2011**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor PL Bettington
Councillor JW Hope MBE
Councillor PJ McCaull

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

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2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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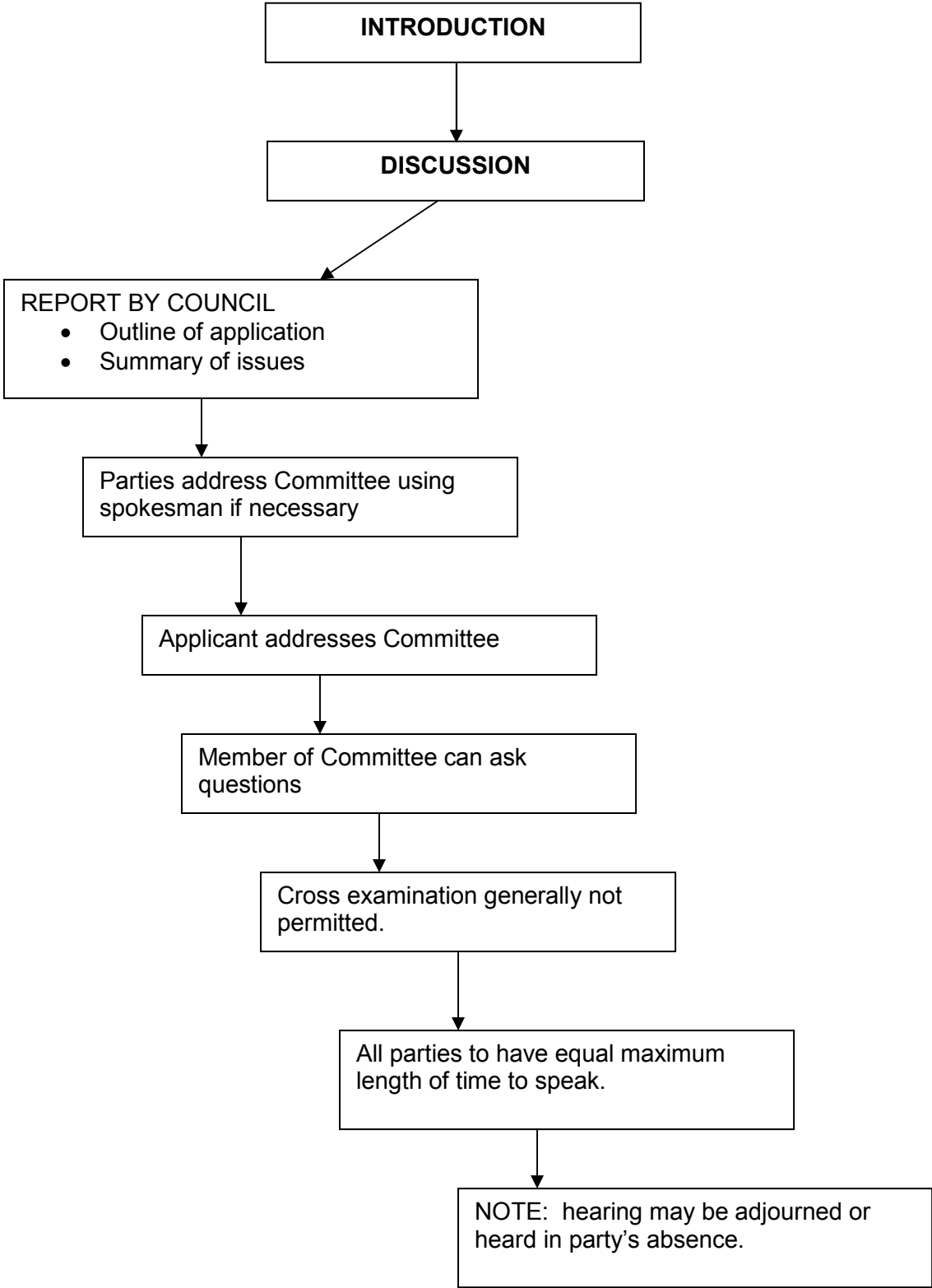
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB COMMITTEE
DATE:	SEPTEMBER 6 2011
TITLE OF REPORT:	APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (i) BY MR CHRISTOPHER RICHARDS
PORTFOLIO AREA:	HEALTH & WELLBEING PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: open

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

Key Decision

This is not a Key Decision.

Introduction and Background

- 1 Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
- 2 The new vehicle conditions were approved by Regulatory Committee in April 2010 and the matter of 'grandfather rights' was discussed and approval given for some vehicles to retain additional seats without access to a door without moving any seats. This approval was based on the fact that these proprietors already had the vehicles and it was seen to be the fairest way to deal with the matter. The condition was included for public safety reasons, particularly if the vehicle was involved in an accident. 'Grandfather rights' were not intended for new vehicles, just for existing.
- 3 Mr Richards made a written request to have a new Volkswagen Sharan to replace his existing vehicle on plate. The existing vehicle was granted 'grandfather rights' following an application to Committee on 7th September 2010. This application is for the same type of vehicle where the 6th seat must be removed to facilitate access and egress from the vehicle, without moving seats.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

Recommendation(s)

THAT the Regulatory Committee:

Refuse the application.

Reasons for Recommendations

- 4 Mr Richards has previously been to Committee and was granted 'grandfather rights' to a vehicle that was already licensed when the vehicle conditions were amended. He has now purchased a new vehicle which is the same as the one he knew not to comply with the conditions.

Key Points Summary

- Written request made on 15th July 2011 to consider allowing an additional seat to be left within the vehicle.
- Amendments to vehicle licence conditions were agreed at Regulatory Committee on 6th April 2010. 'Grandfather rights' were issued to purpose built vehicles, to allow the seat which needs to be moved to allow passengers access and egress to remain.
- Mr Richards was granted 'grandfather rights' for his existing vehicle on 7th September 2010.
- Mr Richards has now purchased a new vehicle which is the same as the outgoing vehicle. It is a MPV vehicle with 6 passenger seats. One of the seats has to be moved forward to allow passengers access to the rear two seats of the vehicle in order to comply with the Vehicle licence conditions.

Alternative Options

- 5 **The 'grandfather rights' can be applied and therefore the licence is granted.**
Advantages: No possible Appeal could be made.
Disadvantages: It does not comply with current vehicle licence conditions and will set a precedent for future vehicle changes.
Reason why Assistant Director has not recommended alternative 1: Although this has been considered it has not been recommended as it is considered to be inappropriate.
- 6 **To defer the decision in order to get more information**
The Committee could make a decision to defer the decision while more information is requested.
Advantages: Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.
Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.
Reason why Assistant Director has not recommended alternative 2: It is felt that any information required to reach a decision has been provided within the application.
- 7 **To reach some other decision**

Advantages: This leaves other solutions open to the Committee to resolve the application.
Disadvantages: There are no clear directions from the Assistant Director with respect to other options.

Reason why Assistant Director has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Key Considerations

- 8 Whether or not, in the given circumstances, the 'grandfather rights' should be granted outside the standard conditions.

Community Impact

- 9 It is felt that any decision could have an impact on the community as this licence conditions was introduced to improve public safety.

Financial Implications

- 10 Not applicable

Legal Implications

- 11 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

- 12 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Copy of letter dated 15th July 2011.

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



**HEREFORDSHIRE
COUNCIL**

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**CONDITIONS ATTACHED TO
PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE**

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Appendix 1: TESTING STANDARD – MECHANICAL AND STRUCTURAL

Appendix 2: TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by Herefordshire Council's Regulatory Committee on **9th March 2010**. They replace all previous conditions and will remain in place until such time as the Council approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authority's Conditions or Policy (including late renewal applications) will be referred to Regulatory Committee (or an equivalent panel) for determination and this will incur additional costs to be paid by the applicant.

Note: although the fee must be paid before committee, the committee has the ability to waive the fee if appropriate after the hearing

(Herefordshire Council will use government guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions upon)

Section 1: LICENSING OF VEHICLES - GENERAL

- 1.1 The conditions shown below apply to all applications for new hackney/private hire licenses and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3 or 1.4.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 A vehicle of Category N1 will be considered if it complies with 1.5 below.
- 1.5 Vehicles which have been manufactured or adapted by a manufacturer or installer approved by Herefordshire Council can be licensed, provided that supporting documentation has been supplied to prove this, as well as a written self-declaration declaring that the vehicle has not been altered since its initial manufacture or adaptation.
- 1.6 Where a vehicle is not manufactured by an approved manufacturer, an enhanced VOSA Single Vehicle Approval Pass Certificate must be provided which includes

category P for non-wheelchair access vehicles and categories P and D if the vehicle is wheelchair accessible. A written self-declaration shall also be provided, declaring that the vehicle has not been altered since initial manufacture/conversion.

- 1.7 All vehicles must meet the criteria as laid out in Section 4.
- 1.8 New/replacement vehicles shall not be permitted if they were registered prior to the year 2000.
- 1.9 The licence shall not be transferred until the vehicle reaches five years of age.
- 1.10 All vehicles over six and twelve years of age shall be subjected to additional tests in accordance with the provisions set out in section 20.
- 1.11 A wheelchair access vehicle cannot at any time be replaced for a non-wheelchair access vehicle, unless the first licence for that plate was issued for a non-wheelchair access vehicle before 2002. The only exception is on a temporary transfer and then only in accordance with section 15.
- 1.12 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.
- 1.13 No vehicle will be licensed to carry more than 8 passengers in total.

Section 2 - NEW HACKNEY VEHICLE LICENCE

- 2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.
- 2.2 The vehicle, when initially submitted for licensing, shall not be more than five years old. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document. The condition at section 2.1 shall remain attached to the licence for each subsequent renewal or transfer.
- 2.3 The vehicle licence shall not be transferred to another vehicle until the vehicle reaches five years of age and then only to another wheelchair accessible vehicle.
- 2.4 The vehicle licence can be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 2.1 if the vehicle is being replaced on a permanent basis.

Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE

- 3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
 - i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or
 - ii. Two years old for any other type of vehicle.

The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.

- 3.2 If the vehicle is wheelchair accessible it shall be so constructed or adapted so that it can carry disabled persons whilst remaining in their wheelchair and comply with section 6.
- 3.3 The licence cannot be transferred to another vehicle until the vehicle reaches five years of age, for a wheelchair accessible, or two years of age for any other. It can, however, be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 3.1 if the vehicle is being replaced on a permanent basis.

Section 4 - VEHICLE SPECIFICATION

- 4.1 The vehicle to be licensed shall, according to the manufacture's specification, have or be: -
- a) Right hand drive.
 - b) All body panels to be of the same colour.
 - c) A capacity for a minimum of four seated passengers and a maximum of eight.
 - d) A minimum of four doors
 - e) Either a separate luggage compartment or have a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept in position at all times. People carriers and multi purpose vehicles (MPVs) shall have a means of securing luggage whilst transported in the vehicle.
 - f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace.
 - g) Road wheels with tyre load ratings set at the manufacturer's recommendations. The use of remoulds will not be permitted.
 - h) A permanent roof which is watertight. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - i) Equipped with fully functional nearside and offside exterior rear view mirrors.
 - j) All windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
 - k) A rear seat with at least 41 cm seating space per passenger.
 - l) A suitable boot able to carry passenger luggage in all saloons and estate vehicles. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
 - m) No bull bars or similar attached.
 - n) The clear height for the top of the doorway not less than 1.2 metres.
 - o) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

Section 5 - MINI BUSES & MPVs

- 5.1 These are in addition to all other conditions and apply to mini buses and MPVs that are licensed as private hire vehicles and taxis.
- 5.2 All doors must be capable of being opened from the inside.

- i. The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.
 - ii. All doors must show the method of operation of door lock operating levers, i.e. they shall depict "Pull" or "Push" with directional arrows in 5cm letters.
 - iii. All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
- 5.3 All steps at entrances and exits shall be illuminated or have clearly visible markings at floor level.
- 5.4 Where the internal floor height of the vehicle exceeds 12ins (305mm) Intermediate steps shall be fitted every 9ins (228mm) from road level up to the internal floor height.
- 5.5 The tread area of all steps shall have a minimum depth of 6ins (152mm) and shall have a slip resistant surface.
- 5.6 All steps shall be capable of supporting the weight of 150 kg.
- 5.7 All rear doors to be hinged vertically.

Section 6 - WHEELCHAIR ACCESSIBLE VEHICLES

- 6.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- 6.2 Restraints for the wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair (whether folded or otherwise) when not in use if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 6.3 The door used for disabled access shall be so constructed as to permit an unrestricted opening across the width of the doorway of at least 75cm. If the door is not of the sliding type the minimum angle of the door for wheelchair access when opened must be 90 degrees (i.e. perpendicular to the vehicle).
- 6.4 Grab handles shall be placed at door entrances to assist the elderly and disabled.
- 6.5 The top of the tread for any disabled person entrance shall be at floor level of the passenger compartment and shall not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 6.6 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.
- 6.7 A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device shall be fitted to ensure that the ramp/ramps do not slip or tilt when

in use. Provision shall be made for the ramps to be stowed safely when not in use.

- 6.8 All vehicles fitted with a mechanical tail lift shall supply a tail lift safety certificate to the Council annually. This shall be supplied to the Licensing Section upon renewal of the vehicle licence.
- 6.9 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification.
- 6.10 By 30th June 2011 no wheelchair accessible vehicle shall be operated for hire unless that driver has passed a Herefordshire Council approved training scheme covering disability awareness and the competent use of wheelchair facilities in licensed vehicles.

Note: Herefordshire Council is looking to deliver training for this at cost price and will advertise to the trade accordingly.

- 6.11 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted and the wheelchair provision not counted as a permanent seat. However, the wheelchair facilities shall be maintained for use when required through a pre-booking.

Section 7 - LPG SAFETY CHECK

- 7.1 LPG installations shall comply with the LPG Gas Association's code of practice 2. A valid certificate confirming its compliance shall be given to the Licensing Section for photocopying when the installation is new.
- 7.2 No licence shall be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This shall be provided annually.

Section 8 - SEAT BELTS

- 8.1 Seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in a good condition and kept in a useable and safe state of repair at all times.

Section 9 - ALTERATIONS

- 9.1 No alterations to any equipment, dimensions or other specifications shall be undertaken in a licensed vehicle without the prior consent of an Authorised Officer of the Licensing Section.
- 9.2 For the avoidance of doubt, alterations include both additions to and the removal of any existing equipment in, or on, the Licensed Vehicles.

Section 10 - SIGNS

10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council may require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition.

- a) All licensed vehicles (except purpose built Hackney Carriages with a built in roof sign and Private Hire Vehicles) are to have roof signs the minimum width of which is to be 60cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings shall be permitted on the roof signs. The licence holder and driver of the taxi shall maintain the sign in efficient working order at all times. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is available for hire.
- b) The roof sign shall be displayed on the front part of the roof.
- c) Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council's corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the adhesive type and shall not be magnetic. However, magnetic signs may be permitted on a short term temporary basis and then only with the written authority of the Licensing Section. The sign shall be located on the top half of the door where it is clearly visible to the public.
- d) No other sign shall be permitted on either front door, unless it is part of a whole vehicle body wrap advert, which leaves space for the door signs.
- e) Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.
- f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 7.5 cm in height, and can be reflective. The sign may contain the following information advertising the company:-

- i. Name of operator
- ii. Telephone number of operator

10.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notices shall be clearly visible to passengers.

10.3 Private hire vehicles may not use the words 'taxi' or 'cab' anywhere on the vehicle.

Section 11 - LICENCE PLATES AND BADGES

- 11.1 For all licensed vehicles, the council licence plate and/or bracket shall be securely fixed to the rear of the vehicle by directly fixing it to the bodywork or bumper. It shall be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate or any obligatory lights on the vehicle. No council licence plate shall be fitted on any other area, including the rear window.
- 11.2 The licence plate shall remain the property of the Council and shall be returned to Herefordshire Council upon expiry, suspension or revocation. All licence plates shall be returned within 5 working days of the issue of the new plate and can be returned to any of the Info Centres within Herefordshire.
- 11.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate shall be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 11.4 The holder of the licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle. If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence, the person must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 11.5 All renewal applications received after the date of expiry shall be treated as grants and not renewals and the appropriate conditions and fees shall apply.
- 11.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate shall only be renewed until the sitting of the next Regulatory Committee (or equivalent panel) who will consider whether to continue to allow the plate renewal. At the time of drafting these conditions, the fee for the referral is £150 and is payable before the committee hearing. This fee may be revised by the Council from time to time.
- 11.7 Any application received prior to the expiry date of the existing licence shall be treated as a renewal. However no plate or badge shall be issued until such time as all the required documents have been received and accepted by Herefordshire Council's Licensing Section.

Note: In such cases there shall be no need to go in front of the Regulatory Committee.

Section 12 - ADVERTISING

- 12.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Section and written authorisation given by them.
- 12.2 The advertisements will be assessed against the following criteria:
 - Non sexual
 - Non discriminatory

Not to cause public offence
Not misleading
Location does not distract from council vehicle signs
Not to obscure vision of the driver

Section 13 - TAXIMETER/FARES

- 13.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council's area and shall be subject to further tests as and when required by the Licensing Section.
- 13.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, its fittings or with the seals affixed to the equipment.
- 13.3 The proprietor of a Hackney Carriage shall cause a statement of fares (as set by the Council) to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 13.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 13.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

Section 14 - VEHICLE DAMAGE

- 14.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangements shall be made for the Licensing Section to inspect the vehicle. If following inspection and considered necessary by an Officer of the Council, written consent must be received before the vehicle can be used again. The vehicle must not be used other than for the purpose of taking it for repair or inspection if the vehicle is deemed unfit for use.

Section 15 - ACCIDENTS AND TEMPORARY VEHICLE TRANSFER CONDITIONS

- 15.1 Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Section shall also be notified as soon as possible but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 15.2 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.

- 15.3 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.4 All licensed vehicles including wheelchair accessible are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
- 15.5 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Section due to extenuating circumstances.
- 15.6 If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office re-opens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
- 15.7 Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be valid prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

Section 16 - INSURANCE

- 16.1 Before the licensed vehicle is used, such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle. The certificate for the policy of insurance shall also be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 16.2 On the expiry of the insurance, a cover note or 'Certificate of Insurance' renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Council staff and faxed copies shall only be accepted if received from the Insurance Company/Broker direct.
- 16.3 The proprietor shall ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times, and this shall include details of drivers authorised under the policy to drive the vehicle.
- 16.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details to the Council of these alterations within two working days of such a change.

Section 17 - NOTIFICATIONS

- 17.1 The proprietor of a licence shall produce details of drivers licensed by Herefordshire Council permitted to drive by him/her to the Licensing Section.
- 17.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.

- 17.3 The licence holder shall, within seven days, notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

Section 18 - SAFETY EQUIPMENT

- 18.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 18.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the vehicle in such a position as to be readily available for use and bear the plate number of the vehicle indelibly marked. It shall contain as a minimum the following items in Table 18.3 below as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This equipment shall be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

Table 18.3	Item	Quantity
	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
	Triangular bandages	2
	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
	Individually wrapped sterile adhesive dressings	24
	Safety pins	12
	Disposable gloves	1 pair
	Antiseptic wipes	10
	Disposable bandage (not less than 7.5 cm)	1
	Sterile eye pads with attachments	2
	Tuff-Kut scissors	1 pair

Section 19 - TRAILERS

- 19.1 Written permission shall be obtained from the Licensing Section to use trailers.
- 19.2 Trailers shall only be used in connection with private hire bookings and shall not be used for plying for hire on any rank. Trailers shall comply with the following standards:
- i. Unbraked trailers shall be less than 750 KGs gross weight.
 - ii. Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
 - v. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer shall at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
 - ix. The vehicle insurance shall reflect cover for towing a trailer.
 - x. Trailers shall not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers shall be observed at all times.
 - xii. The registration number plate and the vehicle plate of the Private Hire Vehicle shall be attached to the rear of the trailer.
 - xiii. The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

Section 20 - VEHICLE INSPECTION (see appendices 1 & 2)

- 20.1 Prior to the issue or renewal of a licence, all vehicles and trailers shall be mechanically inspected at the Council's Testing Depot, as per appendices 1 and 2 attached. Frequency of testing will generally be dependent on the age of the vehicle (see table in condition 21.2 below). However, when the VOSA tester identifies that additional testing may be required due to the condition of the vehicle, then following consultation with the Licensing Officer, the frequency of these tests can be increased to three per year.
- 20.2 All vehicles shall pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-6	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 1
6-12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 2
Over 12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 3

- 20.3 The second test may be an MOT test and these tests shall be carried out 6 months apart. In the case where 3 tests are required per year, these must be carried out 4 months apart and the 2nd and 3rd tests may be an MOT.
- 20.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended, if this is deemed necessary. The vehicle shall then be required to be resubmitted to the depot within seven calendar days and a re-test fee shall be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. When the vehicle tester identifies to the driver that the vehicle has failed the required test for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted.
- 20.5 An authorised officer, an officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness. All persons named above will have identification which can be produced at the time of inspection.

Section 21 - RADIOS

- 21.1 All telephone facilities and radio equipment provided shall be maintained in a safe condition and any defects shall be repaired promptly. The licensed operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment shall only be used on the frequencies stipulated in the D.T.I licence and the licensed operator shall allow the Council access to inspect all equipment and D.T.I licenses.
- 21.2 All telephone facilities and radio equipment provided shall not interfere with any other radio or telecommunication equipment.
- 21.3 Where apparatus for the operation of a two-way radio, data heads or GPS systems are fitted, no part of the apparatus shall be situated in a way which could cause accident or injury to a passenger, nor shall it be placed in the rear boot compartment if LPG tanks are situated in them.

Section 22 - GENERAL CONDITIONS

- 22.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 22.2 All vehicle proprietors shall maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles, as well as authorised officers of the Council.
- 22.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the authorised officers with such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 22.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide any reasonable assistance necessary for carrying out the functions of the

appropriate legislation to an authorised officer and any person accompanying the authorised officer.

22.5 The authorised officer shall show their authorisation if required.

Section 23 - CCTV

23.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Where CCTV equipment is fitted, an approved sign shall be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by an authorised officer of the Council, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid CRB enhanced certificate, the details of the operator must be notified in writing to the Council.

Section 24 - STRETCHED LIMOUSINES

24.1 For stretched Limousines, conditions 24.2 to 24.8 below are inclusive and override conditions 2.1, 3.1, 4.1(a) and 4.1(c).

24.2 On being presented for licensing for the first time the vehicle shall have at least one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) A UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

24.3 All operators shall be required to sign a declaration that the vehicle shall not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

24.4 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.

24.5 Stretched limousine vehicles shall comply with the existing Conditions of Licence applicable to all licensed private hire vehicles, with the exception of those listed at paragraph 24.1 above.

24.6 The fee shall be the same as for a private hire licence.

24.7 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

APPENDIX 1 HEREFORDSHIRE COUNCIL

LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chafed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.

61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

APPENDIX 2

HACKNEY CARRIAGES **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH** **LICENCE CONDITIONS**

Items considered in test: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located in an accessible position and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

8.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

9.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

10.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

11.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

12.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

13.0 Top Light

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

14.0 Vehicle failure

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

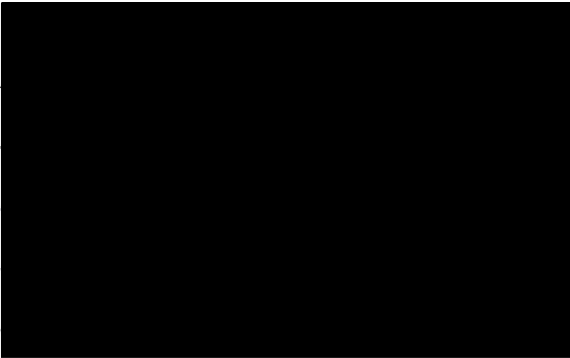
Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

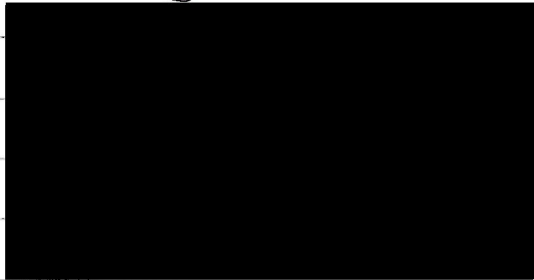
15/7/11



To whom it may concern,

I am writing to you concerning my eligibility to remain as a b seater taxi as my new vehicle a Volkswagen Sharan is the same specifications as my previous vehicle which was granted grandfather rights after appearing before the board.

Yours faithfully



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	6 SEPTEMBER 2011
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE 'THE QUEENS ARMS, 30 HIGH STREET, BROMYARD, HR7 4AE – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider an application for the grant of a premises licence in respect of 'The Queens Arms, 30 High Street, Bromyard, HR7 4AE.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Two (2) representation from members of the public
- Three (3) representations from Responsible Authorities (Police, Trading Standards & Environmental Protection)

Options

- 1 a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,

- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	William Henry Topham The Queens Arms, 30 High Street, Bromyard. HR7 4AE	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New Application	15/07/2011	12/08/2011

Licence Application

- 4 The application for a new premises licence has received representation and is brought before the committee for determination.

Current Licence

- 5 The premises is currently licensed as follows: -

A performance of live music (Indoors), Any playing of recorded music (Indoors), Provision of late night refreshment alcohol and Sale by retail of alcohol (For consumption both on and off the premises)

Monday-Wednesday: 11:00 - 23:00

Thursday-Saturday: 11:00 - 00:00

Sunday: 12:00 - 22:30

Non-standard timings:

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the end of permitted time on New Years Eve to the start of permitted time on New Years Day

Seasonal variations: None

Summary of Application

6 The application requests:

A performance of live music, (Indoors & Outdoors)

Friday & Saturday: 11:00 – 23:00

Sunday: 12:00 – 22:30

Any playing of recorded music (indoors), Supply of alcohol (on premises)

Sunday – Wednesday: 11:00 – 23:00

Thursday: 11:00 – 00:00

Friday & Saturday: 11:00 – 01:00

Non Standard Timings:

A performance of live music: 2nd weekend in September (may vary) Bromyard Folk Festival Music may be performed all day over the weekend inside and out. Also future festivals dates unknown.

Supply of Alcohol: Outside bar 11:00 to 23:00 Monday to Sunday April to October.

Seasonal variations: None

Summary of Representations

7 A copy of the representations can be found within the background papers.

8 Representations have been made by:

Two (2) members of the public

Three (3) from Responsible Authorities (Police, Trading Standards & Environmental Protection). (Trading Standards Representations accepted by applicant)

Key Considerations

9 THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Community Impact

- 10 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 11 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

- 12 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

- 13 A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

- 14 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

- 15 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

- 16 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section,
- or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

17 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

18 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

19 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

20 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

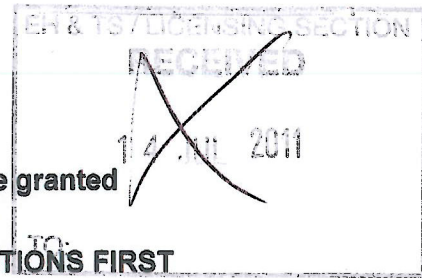
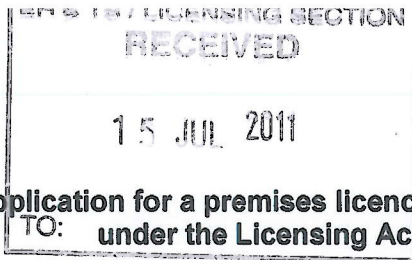
21 The applicant has **NOT** produced a copy of the advertisement.

Appendices

- 22
- a. Application Form
 - b. Public Representation
 - c. Police Representation
 - d. Trading Standards Representation
 - e. Environmental Protection Representation

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



Application for a premises licence to be granted
TO: under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We William Henry Topham

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Queens Arms, 30, High Street, Bromyard Herefordshire			
Post town	BROMYARD	Post code	HR7 4AE

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£7500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname TOPHAM			First names WILLIAM HENRY		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
0	1	0	8	2	0	1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		

Please give a general description of the premises (please read guidance note1)
A PUBLIC HOUSE IN THE CENTRE OF BROMYARD WITH A RESTAURANT AND AN
OUTSIDE BAR, SMOKING AREA AND CAR PARK. OUTSIDE SEATING WITH UMBERELLAS

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) 2 ND WEEK END IN SEPTEMBER(may vary) BROMYARD FOLK FESTIVAL MUSIC MAY BE PERFORMED ALL DAY OVER THE WEEK END INSIDE AND OUT. ALSO FUTURE FESTIVALS DATES UNKNOWN		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	11.00	23.00			
Sat	11.00	23.00			
Sun	12.00	10.30			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11.00	23.00			
Wed	11.00	23.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11.00	24.00			
Fri	11.00	01.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11.00	01.00			
Sun	11.00	23.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>			
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)			Indoors
			Outdoors			<input type="checkbox"/>
			Both			<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</u>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>			
Mon						
Tue						
Wed						
			<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>			
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
Fri						
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>	
Wed			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u>	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</u>	
Sat				
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	11.00	23.00		
Tue	11.00	23.00		
Wed	11.00	23.00		
Thur	11.00	24.00		
Fri	11.00	01.00		
Sat	11.00	01.00		
Sun	11.00	23.00		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) OUTSIDE BAR 11.00-23.00 MONDAY TO SUNDAY APRIL TO OCTOBER	

**State the name and details of the individual whom you wish to specify on the licence as
premises supervisor**

Name NEIL BERNARD CLAY	
Address 37, ROWBERRY STREET BROMYARD	
Postcode	HR7 4DT
Personal Licence number (if known) 819	
Issuing licensing authority (if known) HEREFORDSHIRE COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations (please read guidance note 4)</u>
Day	Start	Finish	
Mon	11.00	23.30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u>
Tue	11.00	23.30	
Wed	11.00	23.30	
Thur	11.00	24.30	
Fri	11.00	01.30	
Sat	11.00	01.30	
Sun	11.00	23.30	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

See attached sheet

c) Public safety

See attached sheet

d) The prevention of public nuisance

see attached sheet

e) The protection of children from harm

See attached sheet

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of **EVIDENTIAL QUALITY** in all lighting conditions particularly facial recognition.

Cameras encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

, recordings are kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format **EITHER DISC or VHS** to the Police/Local Authority on demand.

The Recording equipment and tapes/discs are kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report is maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

Drugs Awareness

Conflict resolution

Selling to under age person

Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

The Queens Arms is a member of the **B>A>N>D** scheme which aims to bar offenders from all local pubs if they cause disturbance or disorder in any.

Signs are displayed warning that drug taking will not be tolerated under any circumstances.

Drinks purchased in the pub cannot be taken into the street outside

All outside areas are well lit

Glasses and bottles are not allowed outside in the licensed area after 23.00

Two months notice will be given to the Police before any other festivals take place

Protection of Children

No person under the age is permitted on the premises unless dining and accompanied by an adult aged 21 or over.

The premises operates a Challenge 21 Policy. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated

No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS.

PUBLIC SAFETY

All staff shall wear clothing which identifies them as members of staff of the premises.

Electrical & Gas Installations

All electrical wiring and distribution systems are tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act (2003) or Police on demand.

All portable electrical equipment are powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.

All exits doors are capable of being opened without the use of a key.

Automatic emergency lighting, powered by an independent source, is provided. Any emergency lighting batteries are fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements are in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.

Prevention of Public Nuisance

All windows will be kept shut after 22.00 hours

Loudspeakers are not located in the entrance lobby or external to any part of the premises.

Prominent, clear and legible signage (in not less than 32 font bold) is displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

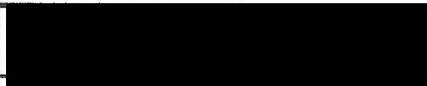
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	owner

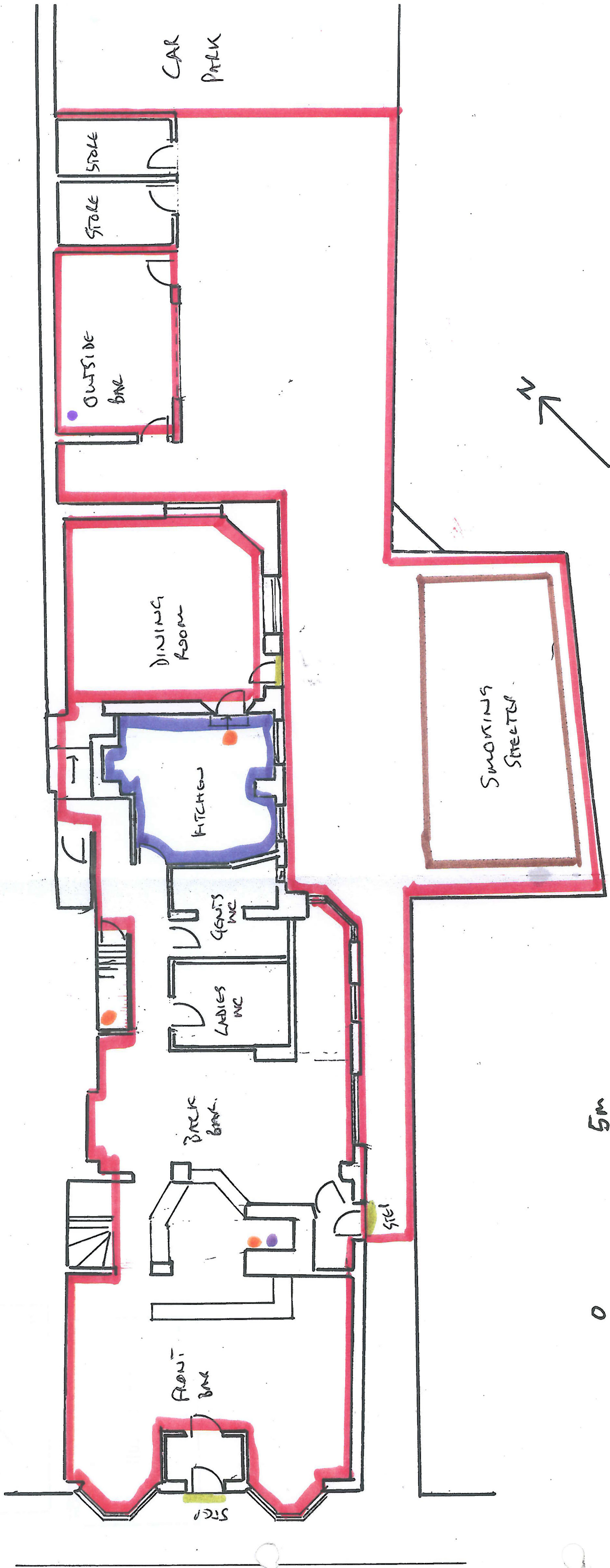
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

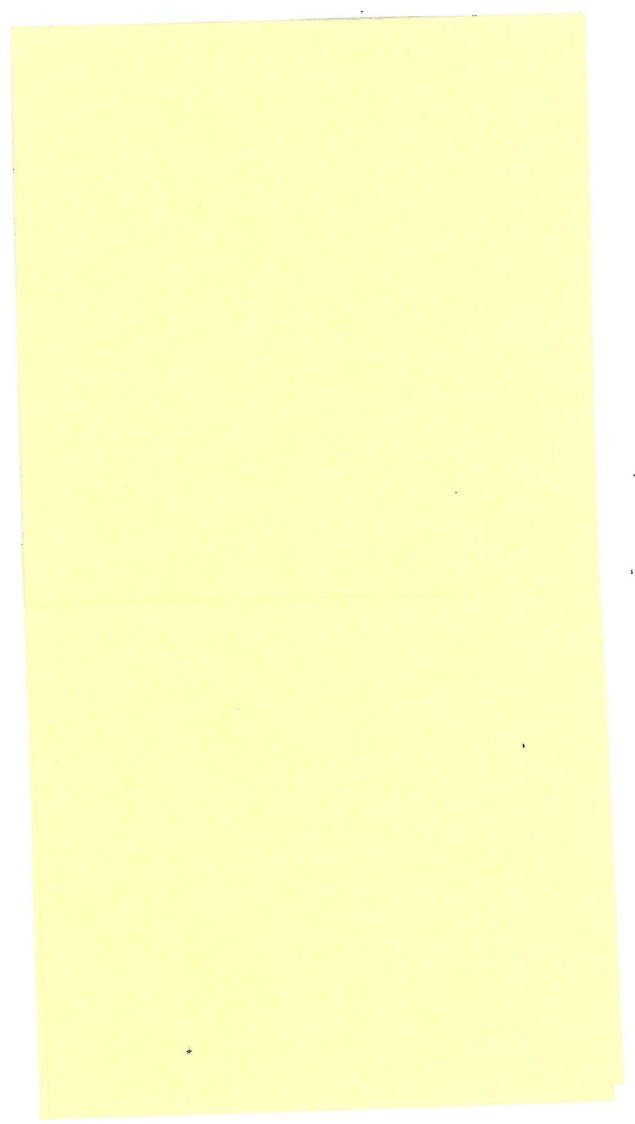
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

THE QUEENS ARMS.
 HIGH ST
 BROMWICH
 HET 474E



- LICENSED AREA
- KITCHEN
- FIRE EXIT
- WATER EXTINGUISHER
- POWDER EXTINGUISHER
- SMOKING AREA



Williams, Rebecca

From: Hough, David
Sent: 01 August 2011 16:02
To: 'queensarmspub@btinternet.com'
Cc: Licensing
Subject: Licence application for Queens Arms Bromyard

Mr Topham

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application for a premise licence for The Queens Arms Bromyard.

Trading Standards has the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

After looking at your application especially the section protection of children from harm you state the steps you would take to prevent the sale of alcohol to a person under the age of eighteen would be Staff Training, and a Challenge 21 policy.

I would look to having the following conditions on your licence which firm up your training , implement a challenge 25 policy rather than challenge 21 also to have a written refusals register

1. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course approved by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

If you agree to these conditions could you email me stating you agree and copy the email to licensing@herefordshire.gov.uk

Or

If you wish to discuss this matter further please do not hesitate in contacting me

Regards

David Hough

David Hough
Principal Trading Standards Officer

**Environmental Health and Trading Standards
Peoples' Services Directorate
Health and Well Being Services
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email. dthough@herefordshire.gov.uk
GCSX. dthough@herefordshire.gcsx.gov.uk
Council's Homepage www.herefordshire.gov.uk**

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SMOKING - It won't kill you to stop, but it probably will if you don't... For free help and advice on quitting, call our smoking team on 01432 383567 Email address stopsmoking@herefordshire.gov.uk or stopsmoking@herefordpct.nhs.uk to

MEMORANDUM

To : RESPONSIBLE AUTHORITIES

From : LICENSING ASSISTANT, LICENSING SECTION, ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 260105 My Ref : ADP/PR01502

Date : 15 July 2011 Your Ref :

LICENSING ACT 2003 NOTIFICATION OF APPLICATION FOR GRANT/VARIATION OF PREMISES LICENCE

The Licensing Section has received the following applications for the grant/variation of a premises licence. A summary of each application is provided in the table below and as a responsible authority you may have already received your copy of the application, however if you would like to view any of the applications copies are available at the licensing section.

Should you wish to make a representation in respect of any one of the applications listed then please submit your information on the memorandum below to the licensing section before expiry of the 28 day representation period which is the date shown in column 3 of the table below. Please be aware that the licensing authority can only consider those representations that are relevant to the four licensing objectives: *Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection of Children from Harm.*

Additionally, you should be aware that under the legislation Ward Members do not have an automatic right to make representations on behalf of their constituents, but have the right to make representations when specifically requested to do so by constituents who live in the vicinity of the premises. To prevent challenges by unsuccessful applicants Members may wish to request any objector to include in any letter of objection to the Member or to the Licensing Section that they formally authorise the Ward Member to make representations on their behalf.

For the Environmental Health Commercial and Environmental Protection Teams should officers wish to raise any issues in respect of any of the applications listed below please contact the Environmental Health team (licensing) in good time for the relevant representations to be co-ordinated and made to the licensing section within the 28 day period.

Working in partnership for the people of Herefordshire

PO Box 233, Hereford. HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire

Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

Premise Name	Premise address	Max Time	End of 28day Period	Current Licence
THE QUEENS ARMS	30 High Street Bromyard Herefordshire HR7 4AE	<p>Live Music Fri & Sat 11:00-23:00 Sun 12:00 10:30 (all day during Bromyard Folk Festival weekend and other pre-planned festivals)</p> <p>Recorded Music Sun -Wed 11:00-23:00 Thurs 11:00-24:00 Fri & Sat 11:00-01:00</p> <p>Sale/supply of alcohol Sun -Wed 11:00-23:00 Thurs 11:00-24:00 Fri & Sat 11:00-01:00</p>	12.08.2011	<p>New Grant PR01502</p> <p>Existing licence PR00700 will be surrendered when new licence issued.</p>

**ADY POOLE
LICENSING ASSISTANT
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

MEMORANDUM

To : LICENSING OFFICER

From : A TREZINS

Tel : 1765

Date : 21/6/11

My Ref :

Your Ref :

LICENSING ACT 2003

APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	N/A
PUBLIC SAFETY	N/A
PREVENTION OF PUBLIC NUISANCE	I have concerns about music live or recorded played outdoors and would wish to object to the proposal for live music out doors.
PROTECTION OF CHILDREN FROM HARM	I would suggest a challenge 25 policy is adopted

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

Working in partnership for the people of Herefordshire

PO Box 233, Hereford. HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire

Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

OFFICER A TREZINS
POSITION Environmental Protection Manager
AUTHORITY Environmental Health and Trading Standards

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 19 July 2011 15:00
To: Licensing
Cc: Spriggs, Fred
Subject: The Queens Arms, High Street, Bromyard

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a premises licence application for the **Queens Arms, High Street, Bromyard.**

The premises is already licensed and it appears the applicant is seeking to replace all existing conditions and seeking to amend the licensable activities.

West Mercia Police would seek to put the following conditions on a licence granted to this premises in order to promote the licensing objectives. These representations are based on the existing licence, the submissions made by the applicant, the history of the premises and Herefordshire Council Licensing policy. It is our view that these representations are necessary, proportionate, achievable and enforceable.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting condition

particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date orders numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named

individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.

3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register

shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

5. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)

6. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained 12 (twelve) monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

7. All windows will be kept shut after 2200 hours.

8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

9. The Premises Licence Holder or DPS or the responsible person 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.

10. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

11. No external area at the premises shall be used after 23:00 hours for licensable activities.

12. No open containers will be removed from the premises with the exception of areas covered for licensable activities.

13. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

14. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

There are other issues, such as noise and light management, that I have 'touched on' that are best addressed by the relevant responsible authority.

The applicant has additionally requested that 'live music' as a licensable activity be allowed for the duration of the Bromyard Folk Festival 'inside

and outside' the premises. There are no police objections to this part of the application, as it is covered in both the hours applied for the control

measures covered in point 11 above.

Additionally the applicant has requested a similar seasonal variation for 'future festivals, dates unknown'. It is the view of the Chief Constable that non-standard timings related to known fixed events such as the bank holidays applied for in this application as opposed to events identified on an ad hoc basis by the operators of the premise. Provision has been made in the act to cover such ad hoc events by way of temporary event notices and there is no legal basis for the applicant to hold such ad hoc days on the giving of written notice to the police.

These are the minimum conditions West Mercia Police would wish to see on any premises licence granted to this location.

Regards

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
licensing.herefordshire@westmercia.pnn.police.uk

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Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 11 August 2011 15:13
To: Licensing
Cc: Spriggs, Fred; Scott,Andrew (e div)
Subject: Queens Arms Public House Bromyard - premises licence application

Importance: High

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of a premises licence application for the **Queens Arms, High Street, Bromyard.**

The premises is already licensed and it appears the applicant is seeking to replace all existing conditions and seeking to amend the licensable activities.

At the time of receiving the application there was no premises plan attached to the police copy of the application. The plan has now been provided to West Mercia Police. The plan however does not give detail of the street names and basically indicates a layout of the premises and the proposed areas to be covered by the premises licence. It is understood that the premises does not have any external areas - which are not a public place - that can be used as part of the premises licence for licensable activities.

West Mercia Police object to the external area proposal for licensable activities. This area is a part of the public highway and is a passageway linking two streets. This area is also included in the local street drinking restriction order, that prohibits the consumption of alcohol at all times. This order is in place based on need and evidence provided by both West Mercia Police and other parties prior to the order being put in place. To allow this area to be used for the consumption of alcohol and other licensable activities would greatly undermine the licensing objectives.

With regards to the remainder of the application, West Mercia Police would seek to put the following conditions on a licence granted to this premises in order to promote the licensing objectives. These representations are based on the existing licence, the submissions made by the applicant, the history of the premises and Herefordshire Council Licensing policy. It is our view that these representations are necessary, proportionate, achievable and enforceable.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting condition

particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date orders numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named

individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
5. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
6. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained 12 (twelve) monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
7. All windows will be kept shut after 2200 hours.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. The Premises Licence Holder or DPS or the responsible person 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.

10. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

11. No external area - controlled and managed by the premises licence holder and forming part of the physically premises known as the Queens Arm Public House - shall be used after 23:00 hours for licensable activities.

12. No open containers will be removed from the physically premises known as the Queens Arms Public House.

13. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

14. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

There are other issues, such as noise and light management, that I have 'touched on' that are best addressed by the relevant responsible authority.

The applicant has additionally requested that 'live music' as a licensable activity be allowed for the duration of the Bromyard Folk Festival 'inside

and outside' the premises. West Mercia Police object to this part of the application with regards to the 'outside of the premises' as already

indicated.

It is the view of the Chief Constable that non-standard timings relate to known fixed events such as the bank holidays applied for in this application as opposed to events identified on an ad hoc basis by the operators of the premise. Provision has been made in the act to cover such ad hoc events by way of temporary event notices and there is no legal basis for the applicant to hold such ad hoc days on the giving of written notice to the police.

These are the minimum conditions West Mercia Police would wish to see on any premises licence granted to this location.

Jim Mooney
Police Licensing Officer
Territorial Policing Unit - Herefordshire
West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

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Thank you for your co-operation.

West Mercia Police 0300 333 3000

From:
Sent: 11 August 2011 10:53
To: Licensing
Subject: QUEENS ARMS BROMYARD

Dear Sir/Madam

I am emailing to put in writing my objection to extending the licensing hours of the Queens Arm Public House in Bromyard.

My house is very close to the pub and I feel that I have enough problems from there already without extending the hours. The police are called out regularly due to fighting and drunks causing a nuisance in the street with singing and shouting. I am also aware that people who are already drunk are continued to be served with drinks.

I have sometimes had vomit or urine by the wall at the front of my house and on one occasion someone who was drunk came through my side door into the back garden to make a shortcut into the rear carpark by the veterinary surgery.

I have 2 children who I live alone with, one is just 3 years old and the other is almost 6 months. They get woken up regularly by people from the pub and my 3 year old son gets very frightened and distressed. In fact, last Friday due to a music licence the noise was so loud from 20.45 until after midnight that I phoned environmental health, and also the father of my baby to come and stop as I was so concerned about the effect on my children, as well as being frightened by all the drunken people who were in the street.

The public house is in a heavily residential area, and when I moved to Bromyard was not open so I have found the nuisance from it over the whole of the weekend (including Sunday nights) very difficult to cope with. I know other people have complained about the pub and as most of the houses in the row where I live contain very young children it really isn't an ideal situation to have drunken people fighting, shouting and screaming late at night.

I hope you will take my concerns into account when considering extending the hours of this public house. I do not want to spoil anyone having a night out but due to the lack of concern about the affect they are having on others from the people who use this facility I felt strongly that I needed to put forward my complaint.

Thank you.

of

HEREFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM - INTERESTED
PARTIES

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.

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

LOCAL RESIDENTS + BUSINESS

Name & Address of premises you are making a representation about:

QUEENS ARMS - HIGH STREET, BROMYARD
MR TOPHAM'S APPLICATION TO EXTEND HOURS

DATA PROTECTION ACT 1998. Please indicate by ticking here 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 Crime & Disorder - FIGHTS REGULARLY BREAKOUT IN PUB + STREET - DAMAGE TO NEIGHBOURING PROPERTIES + CARS IS REGULAR. - YOUNG BAR STAFF DO NOTHING TO STOP THIS, LANDLORD OFTEN ABSENT AT WEEKENDS. NO POLICE AT NIGHT IN BROMYARD.

Public Safety

RESIDENTS SCARED TO GO OUTSIDE TO PROTECT THEIR PROPERTY - GLASSES BEING THROWN - WINDOWS BROKEN - NO POLICE IN BROMYARD

To Prevent Public Nuisance

TOO MANY DRUNKS IN STREET - VERY YOUNG. MUSIC TOO LOUD FOR OLD PROPERTIES WITH HISTORIC SINGLE GLAZING: WILL DISTURB ALL RESIDENTS

To Protect Children from Harm

CHILDREN IN PROPERTIES OPPOSITE WILL NOT BE ABLE TO SLEEP DUE TO THE NOISE + BAD LANGUAGE + VIOLENCE

Signed: /

Date: 27-7-2011

ELI REPRE - 1 Representation Form - Interested Parties

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

27 JUL 2011



HEREFORDSHIRE
COUNCIL

**Representation Form – Interested Parties
Suggested Conditions**

Premise: Queens Arms Bromyard Your name: _____

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.

To Prevent Crime and Disorder

BAR STAFF SHOULD REFUSE TO SERVE THOSE TOO YOUNG - TOO DRUNK - TOO DISORDERLY. -STAFF SHOULD PHONE POLICE + SHUT PUB IF NECESSARY. PROMYARD NEEDS POLICE AT NIGHT

Public Safety

STOP CUSTOMERS TAKING GLASSES INTO HIGH STREET - POLICING NECESSARY. AT NIGHT

Prevent Public Nuisance

KEEP SOUND LEVELS DOWN ESPECIALLY AFTER 10.30pm. KEEP DRUNKEN CUSTOMERS OFF HIGH STREET.

CURRENT OPENING HOURS ARE SUFFICIENT

Protect Children from Harm

Signed: _____

Date: 27-7-11

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

