

AGENDA

Regulatory Sub Committee

Date: **Tuesday 13 November 2012**

Time: **10.00 am**

Place: **Meeting Room 18a, 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 CM Bartrum
Councillor JW Hope MBE
Councillor PJ McCaull**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN	
To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR VARIATION OF PREMISES GAMING MACHINE PERMIT 'THE ROSE & CROWN, 152 LEDBURY ROAD, HEREFORD, HR1 1AG.'	1 - 4
To consider an application for the variation of a Licensed Premises Gaming Machine Permit from 3 to 4 machines in respect of 'The Rose & Crown, 152 Ledbury Road, Hereford, HR1 1RG.'	
Appendix 1 - The Rose & Crown - Application Form	5 - 12
6. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE IMPERIAL, 31 WIDEMARSH STREET, HEREFORD, HR4 9EA.'	13 - 16
To consider an application for the variation of a premises licence in respect of the 'Imperial, 31 Widemarsh Street, Hereford, HR4 9EA'.	
Appendix 1 - The Imperial - Application Form	17 - 30
Appendix 2 - The Imperial - Trading Standards Representation	31 - 32
Appendix 3 - The Imperial - Police Representation	33 - 36
7. APPLICATION FOR REVIEW OF PREMISES LICENCE 'ANDREWS, HOLMER SELF SERVICE STORES, BELLE BANK AVENUE, HEREFORD, HR4 9RL.'	37 - 40
To consider an application for the review of a premises licence in respect of the 'Andrews, Holmer Self Service Stores, Belle Bank Avenue, Hereford, HR4 9RL'.	
Appendix 1 - Andrews - Application For Review	41 - 48
Appendix 2 - Andrews - Trading Standards Representation	49 - 50
Appendix 3 - Andrews - Police Representation	51 - 52

8.	APPLICATION FOR REVIEW OF PREMISES LICENCE 'KINGS ACRE POST OFFICE & STORES, 95 KINGS ACRE ROAD, HEREFORD, HR4 0RQ.'	53 - 56
	To consider an application for the review of a premises licence in respect of the 'Kings Acre Post Office & Stores, 95 Kings Acre Road, Hereford.'	
	Appendix 1 - Kings Acre Post Office - Application For Review	57 - 64
	Appendix 2 - Kings Acre Post Office - Trading Standards Representation	65 - 66
	Appendix 3 - Kings Acre Post Office - Police Representation	67 - 68
9.	APPLICATION FOR REVIEW OF PREMISES LICENCE 'COPPER KETTLE, 177 AYLESTONE HILL, HEREFORD, HR1 1JJ.'	69 - 72
	To consider an application for the review of a premises licence in respect of the 'Copper Kettle, 177 Aylestone Hill, Hereford, HR1 1JJ'.	
	Appendix 1 - The Copper Kettle - Application For Review	73 - 80
	Appendix 2 - The Copper Kettle - Trading Standards Representation	81 - 82
	Appendix 3 - The Copper Kettle - Police Representation	83 - 84
10.	APPLICATION FOR REVIEW OF PREMISES LICENCE 'THE HERDSMAN, 54 WIDEMARSH STREET, HEREFORD, HR4 9HG.'	85 - 88
	To consider an application for the review of a premises licence in respect of the 'The Herdsman, 54 Widemarsh Street, Hereford, HR4 9HG'.	
	Appendix 1 - The Herdsman - Application For Review	89 - 96
	Appendix 2 - The Herdsman - Trading Standards Representation	97 - 98
	Appendix 3 - The Herdsman - Police Representation	99 - 100
11.	EXCLUSION OF THE PUBLIC AND PRESS	
	In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.	
	RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	
	1 Information relating to any individual.	
	2 Information which is likely to reveal the identity of an individual.	
12.	GUARDIANSHIP REQUEST UNDER SECTION 7 OF THE MENTAL HEALTH ACT 1983	101 - 106
	To consider a request for on-going guardianship under Section 7 of the Mental Health Act 1983.	

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.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point A which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

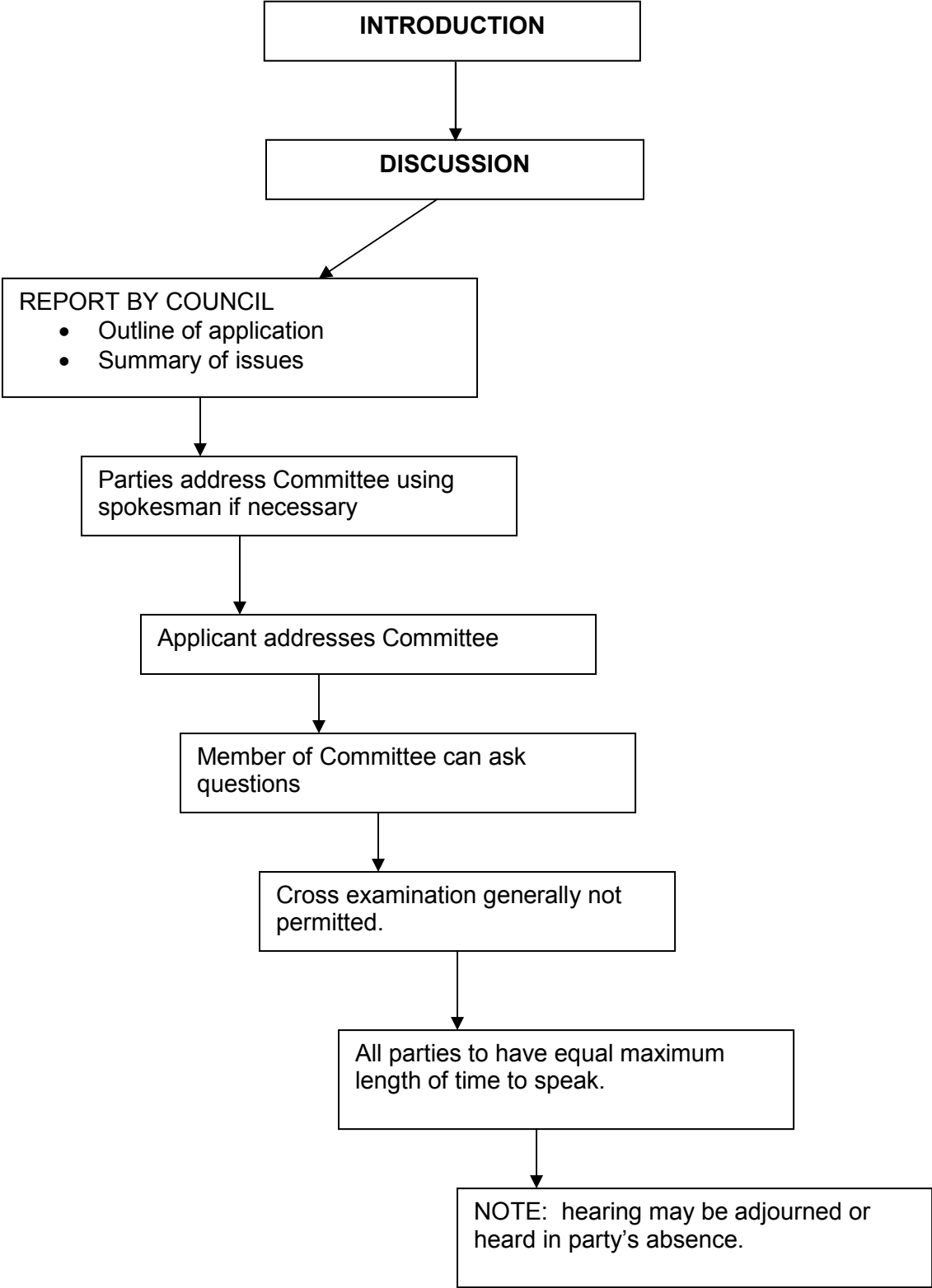
Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13TH NOVEMBER 2012
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT FROM 3 TO 4 IN RESPECT OF 'THE ROSE & CROWN, 152 LEDBURY ROAD, HEREFORD HR1 1RG' – SECTION 283 GAMBLING ACT 2005
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Hereford

Purpose

To consider an application for the variation of a Licensed Premises Gaming Machine Permit from 3 to 4 machines in respect of 'The Rose & Crown, 152 Ledbury Road, Hereford, HR1 1RG.'

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the variation with a view to promoting the licensing objectives which are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- b) ensuring that gambling is conducted in a fair and open way, and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The committee should also take into consideration

The 'Guidance to Licensing Authorities 4th Edition' issued by the Gambling Commission

Herefordshire Council Gambling Policy

Gaming Machine Permits Code of Practice - Club Gaming Permits and Club Machine Permits - Alcohol Licensed Premises Permits and Permissions - June 2007 issued by the Gambling Commission

Key Points Summary

- Application to increase to 4 machines an increase of 1
- Officers do not have devolved powers to issue.

Options

- 1 (a) grant the application,
(b) refuse the application, or
(c) grant it in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both.

Reasons for Recommendations

- 2 Ensures compliance with the Gambling Act 2005

Introduction and Background

3 Background Information

Applicant	Green King Retailing Ltd PO Box 337, Abbot House, Bury St Edmunds, Suffolk, IP33 1QW
Solicitor	None
Type of application:	Licensed Premises Gaming Machine Permit

Licence Application

- 4 The application is for the grant of a Licensed Premises Gaming Machine Permit for 4 machine of Category C or D.
- 5 The premises licence holder has given notification of automatic entitlement in respect of 2 machines under Section 282 of the Gambling Act 2005.
- 6 Section 282 however restricts the premises to only 2 machines.

- 7 To enable premises to have more than 2 machines application had to be made for a Licensed Premises Gaming Machine Permit which the premises already has been granted.
- 8 This application is to increase the number of machines on the permit from 3 to 4.
- 9 A plan of the proposed locations of the machines is attached within the background papers.

Key Considerations

- 10 Schedule 13 paragraph 4(1) states:

A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.

Community Impact

- 11 The granting of the licence as applied is unlikely to have any impact on the Community.

Legal Implications

- 12 Schedule 13 of the legislation states that:

- 5
 - (1) A licensing authority may not attach conditions to a permit.
 - (2) As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.
 - (3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
 - (a) the refusal, and
 - (b) the reasons for it.
- 6
 - (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.
 - (2) A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—
 - (a) notified the applicant of their intention to refuse the application, or grant the application in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations.
 - (3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
 - (a) oral representations,
 - (b) written representations, or
 - (c) both.
 - (4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

- 12 Appeal

- 21(1) The applicant for or holder of a permit may appeal if the licensing authority—
- (a) reject an application for a permit,
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both), or
 - (c) give a notice under paragraph 16.
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

Appendices

- a. Copy of application
- b. Plan of premises

Background Papers

Background papers are available for inspection in the Room 18a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

NOTIFICATION OF 2 OR LESS GAMING MACHINES
 (FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notes at the back of this form before completing

TO: Herefordshire Council
 Licensing Department
 Brockington
 35 Hafod Road
 Hereford
 HR1 1SH



SECTION A – What do you want to do?

1. Please indicate what you would like to do

- a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines Category C and / or D
 (If you choose this option then please complete sections D and E)
- b) Apply to convert an existing Section 34 Permit issued under the Gaming Act 1968, into a Licensed premises gaming machine permit (i.e. for more than 2 gaming machines)
 (if you choose this option then please complete sections B, D and E)
- c) Apply for a new licensed premises gaming machine permit
 (If you choose this option then please complete sections B, D and E)
- d) Apply to vary an existing licensed premises gaming machine permit
 (If you choose this option then please complete sections B, D and E)
- e) Apply to transfer an existing licensed premises gaming machine permit
 (If you choose this option then please complete sections C, D and E)

SECTION B – Application for grant (includes conversion, new and variation applications)

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category Machine	Number currently Authorised to provide	Number wish to provide (new or variation)
C	3	4
D		
Total	3	4

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 Permit, or provide reasons stating why it cannot be provided.

Existing permit provided*

(Reasons why existing permit cannot be provided)...

Please keep a copy of your existing permit on the premises to which it relates

NOTIFICATION OF 2 OR LESS GAMING MACHINES

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<p>SECTION C – Application for permit <u>transfer</u> i.e. where a transfer has been requested for The Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting transfer</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <p style="text-align: right;">Requested. <input type="checkbox"/></p> <p style="text-align: right;">Granted. <input type="checkbox"/></p> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <p style="text-align: right;">Permit provided. <input type="checkbox"/></p> <p style="text-align: right;">Reasons why existing permit cannot be provided.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>SECTION D – General Information</p> <p>7. Name of Premises ROSE AND CROWN</p> <p>8. Address of 152 LEDBURY ROAD, HEREFORD, HR1 1RG</p> <p>Telephone Number of Premises ...01432 273272</p> <p>9. Name of existing Premises Licence Holder GREENE KING RETAIL</p> <p>10. Address of Premises Licence holder</p> <p>11. Telephone number (daytime) of Premises Licence holder</p> <p>12. E-mail address of Premises Licence holder (where available)</p> <p>13. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant</p> <p>14. Licensing Act 2003 Premises Licence Reference (i.e. number)</p>	

NOTIFICATION OF 2 OR LESS GAMING MACHINES

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

SECTION E – Fee and Signature(s)

I enclose a sum of (£150.00 (cheque should be payable to Herefordshire City Council)



I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Date Signed (by or on behalf of Licensing Act 2003 Premises Licence holder).....

Print Name *KAREN ROWNALLS*

- If you wish to have a maximum of 2 gaming machines then the fee payable is £50.00
- If you wish to have more than 2 gaming machines then the fee payable is £100.00 (if it is made by an existing operator or £150.00 in all other cases.
- The fee for a vary is £100.00
- The fee for a transfer is £25.00

Official Use Only

Date of receipt:.....

Signature and name of staff who received:.....

Date of receipt of fee:.....

Signature and name of staff who received fee:.....

Application accepted/returned (please delete as appropriate)

Date of premises licence (Licensing Act 2003) transfer (if applicable):.....

REQUEST FOR ACKNOWLEDGMENT OF RECEIPT OF MY NOTIFICATION OF 2 OR LESS GAMING MACHINES

I, GREENE KING request that this paper is returned to me at the following address and with the details below provided by the local licensing authority, so as to acknowledge my notification of 2 or less gaming machines at ROSE AND CROWN, 152 LEDBURY ROAD, TUPSLEY, HEREFORD, HR1 1RG

Insert address to which you wish this acknowledgement to be sent:

Recaf Equipment Limited
Stonebridge Cross Business Park
Stonebridge Cross
Droitwich
WR9 0LW

Official Use Only (to be completed by the local licensing authority)

Date of receipt of notification of 2 or less gaming machines:

Date of receipt of fee:

Signature:

.....

Local licensing authority stamp:



GREENE KING BREWING AND RETAILING LIMITED

Dear Sir/Madam

We are writing to confirm that as the Premises Licence Holder of a number of premises which operate Section 34 Gaming Permits, we hereby authorise Independent Operators Association to make applications for the grant of or renewal of Section 34 Gaming Machine Permits under the Gaming Act 1968 on our behalf in respect of gaming machines supplied or to be supplied to all of our premises.

Lindsay Keswick

.....
Lindsay Keswick
Company Secretary

Duly authorised to sign on behalf of Greene King Brewing and Retailing Limited

16 November 2005

GREENE KING BREWING AND RETAILING LIMITED
WESTGATE BREWERY BURY ST EDMUNDS SUFFOLK IP83 1QT
TELEPHONE (01284) 763222 FACSIMILE (01284) 706502 DX 57237 BURY ST EDMUNDS

Registered in England No. 3298903 Registered Office as above



4th October 2012

F.A.O. Emma Bowell
Licensing Department
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF

Dear Emma,

Reference: Rose & Crown, 152 Ledbury Road, Tupsley, Hereford, HR1 1RG

I write in response to your letter dated 19th September 2012 requesting for more information regarding our application for a variation of a license premises gaming machine permit.

- The trading area of the pub is 338.4 m2 (site plan enclosed)
- The machines are supervised by staff and management in view from the bar
- The application does not change the premises from a licensed premises to a gaming premises
- The 4th machine is required due to improved trade on the other machines. The 4th machine will be sited in the lounge area

I trust I have answered all of your questions, however, should you have any further queries regarding our application, please do not hesitate to contact me.

Many thanks.

Yours sincerely,
RECAF EQUIPMENT LIMITED

A handwritten signature in black ink, appearing to read "Kate Merriman".

Kate Merriman
(01905) 823 457

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 NOVEMBER 2012
TITLE OF REPORT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE THE 'IMPERIAL, 31 WIDEMARSH STREET, HEREFORD, HR4 9EA' – LICENSING ACT 2003
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the variation of a premises licence in respect of the 'Imperial, 31 Widemarsh Street, Hereford, HR4 9EA'.

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)** representations from Responsible Authorities (Police & Trading Standards)

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	Barracuda Pubs & Bars Ltd 1st Floor, Lunar House, Globe Park, Fieldhouse Lane, Marlow, Bucks, SL7 1LW.	
Representative	John Gaunt & Partners	
Type of application: Variation	Date received: 18/09/2012	28 Days consultation 16/10/2012

Licence Application

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

Current Licence

- 5 The premises is currently licensed as follows: -

Provision of regulated entertainment, An exhibition of a film, An indoor sporting event, A performance of live music, Any playing of recorded music, A performance of dance, Provision of entertainment facilities, Making music, Dancing, Supply of alcohol

Monday-Sunday: 10:00 - 01:00

Provision of late night refreshment

Monday-Sunday: 23:00 - 01:00

Non-Standard Timings:

Christmas Day: 11:00 to 23:00, New Years Eve: 10:00 to New Years Day - terminal hour as proposed [01:00 hours]

Seasonal variations: None

Summary of Application

- 6 The application requests that the premises be licensed as above but commencing at 0900 hours instead of 1000 hours as at present.
- 7 The application requests that a number of out dated conditions be removed and replaced with

other conditions as stated in the page of the application entitled 'Part 3 – Variation'

Summary of Representations

8 Copies of the representations can be found within the background papers.

There are two (2) representations made by Responsible Authorities (Trading Standards and the Police)

Key Considerations

9 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

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 produced a copy of the advertisement which is correct.

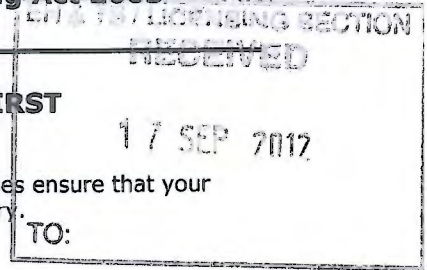
Appendices

- 22 a. Application Form
- b. Police Representation
- c. Trading Standards Representation

Background Papers

Background papers are available for inspection in the Room 18a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

Application to vary a premises licence 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.

We Barracuda Pubs & Bars Ltd., being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

PROO527

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Imperial, 31 Widemarsh Street,	
Post town Hereford,	Post code HR4 9EA

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

Current postal address if different from premises address
Barracuda Pubs & Bars Ltd, 1st Floor, Lunar House, Globe Park, Fieldhouse Lane, Marlow, Bucks, SL7 1LW

Post Town Postcode

Part 3 – Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Application is made to vary the Premises Licence, discussions have been undertaken with West Mercia Police and the Licensing Authority prior to submission of this application. The areas to be varied are as follows:-

1. Variation of the times for all licensable activities throughout the week to commence at 09:00 rather than 10:00 hours.
2. Amendment of condition 2.1 in respect of SIA. The new proposed condition is "The DPS shall undertake a risk assessment as to the need of SIA. The DPS should consider the nature of the event, number of persons expected to attend, the recommendations of West Mercia Police.

If SIA are employed, then written records for SIA door supervisors, including full name with SIA badge numbers shall be kept on the premises for at least twelve months and be available for inspection at a reasonable time by a member of the responsible authorities."

3. Conditions.

A review has been undertaken of the conditions imposed upon the Licence it is noted that the premises is burdened by conditions which have become redundant by virtue of amendments to the Licensing Act 2003, duplicate other legislation or are wholly irrelevant to the operation of the site. It is proposed that those conditions be removed.

For purposes of clarification attached is an extract from the Licence deleting in red those conditions considered to be inappropriate in particular but not exclusively as follows:-

Annex 2 – On sales. The identification of permitted hours as determined under Licensing Act 1964 save for the extension of hours in respect of New Years Eve.

Removal of restrictions A to F retaining G and H.

Off Sales. Removal of reference to permitted hours save for New Years Eve and removal of all restrictions – A to D.

Removal of condition regarding open containers as duplicates earlier condition.

4. Regulated Entertainment Conditions. These are historic conditions from the Public Entertainment Licence the majority of which are now dealt with by alternative legislation or are beyond the remit of the Licensing Act 2003, alternatively they are covered by explicit offences within the Licensing Act 2003. It is therefore proposed that only the following conditions be retained:-

9.1 – in respect of noise nuisance.

23.1, 23.2 (a) (b) (c) (d) (e) (f).

5. Licensing Objectives.

It is proposed that the narrative contained within this section be deleted in particular that under the heading of general.

Under the present Licensing regime the premises already are able to open until 01:30

Condition 8 - already provided elsewhere.

Condition 9 – deletion of the wording "the provision of a capacity limit"

The provision of door supervisors at the minimum ratio of 2 and then 1 per 100, over a capacity of 200. The provision of the required number of door supervisors from 20:00 hours until 01:00 hours on Fridays and Saturdays.

The provision of an incident book – dealt with elsewhere.

The provision of a condition on irresponsible drink promotions, such as compliance with BBPA guidelines – now a mandatory condition.

Public Safety.

Removal of Condition 3 relating to capacity as this is now dealt with under the Fire Risk Assessment condition.

It is considered that the above mentioned changes will not adversely affect the promotion of the four licensing objectives. By removing conditions that are inappropriate the Licence enhance with regard to enforceability and achieves clarity.

The change to the times for licensable activities is minimal and is not anticipated to cause any problems to arise.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail 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 {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	01:00	Please give further details here (please read guidance note 3)	Both	
Tue	09:00	01:00			
Wed	09:00	01:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	09:00	01:00			
Fri	09:00	01:00	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 (please read guidance note 5)		
Sat	09:00	01:00			
Sun	09:00	01:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	09:00	01:00	
Tue	09:00	01:00	
Wed	09:00	01:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur	09:00	01:00	
Fri	09:00	01:00	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 (please read guidance note 5)
Sat	09:00	01:00	
Sun	09:00	01:00	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Sat					
Sun					
			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 (please read guidance note 5)		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	✓	
Day	Start	Finish		Outdoors		
Mon	09:00	01:00	Please give further details here (please read guidance note 3)	Both		
Tue	09:00	01:00				
Wed	09:00	01:00		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	09:00	01:00				
Fri	09:00	01:00		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 (please read guidance note 5)		
Sat	09:00	01:00				
Sun	09:00	01:00				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	✓	
Day	Start	Finish		Outdoors		
Mon	09:00	01:00	Please give further details here (please read guidance note 3)	Both		
Tue	09:00	01:00				
Wed	09:00	01:00		State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	09:00	01:00				
Fri	09:00	01:00		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	01:00				
Sun	09:00	01:00				

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	01:00	Please give further details here (please read guidance note 3)	Both	
Tue	09:00	01:00			
Wed	09:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	09:00	01:00			
Fri	09:00	01:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	01:00			
Sun	09:00	01:00			

H

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

I

Provision of facilities for making music. Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both - please tick {Y} (please read guidance note 2).	
Mon	09:00	01:00	Indoors	✓
			Outdoors	
			Both	
Tue	09:00	01:00	Please give further details here (please read guidance note 3)	
Wed	09:00	01:00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	09:00	01:00		
Fri	09:00	01:00	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	09:00	01:00		
Sun	09:00	01:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick {Y} (see guidance note 2).	
Day	Start	Finish	Indoors	✓
Mon	09:00	01:00	Outdoors	
			Both	
Tue	09:00	01:00	Please give a description of the facilities for dancing you will be providing	
Wed	09:00	01:00	Please give further details here (please read guidance note 3)	
Thur	09:00	01:00		
Fri	09:00	01:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Sat	09:00	01:00		
Sun	09:00	01:00	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)	

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)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoor
Mon				Outdoor
Tue			Please give further details here (please read guidance note 3)	Both
Wed				
Thur				
Fri				
Sat				
Sun				
			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)	
			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)	

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 {Y} (please read guidance note 2).		Indoors	✓
Day	Start	Finish		Outdoors		
Mon	23:00	01:00		Please give further details here (please read guidance note 3)	Both	
Tue	23:00	01:00				
Wed	23:00	01:00				
Thur	23:00	01:00				
Fri	23:00	01:00				
Sat	23:00	01:00				
Sun	23:00	01:00				
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
			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 (please read guidance note 5)			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	09:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	09:00	01:00	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) To retain extension of hours on New Years Eve.		
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	01:00			

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)

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) To extend the hours of operation on New Years Eve.
Day	Start	Finish	
Mon	09:00	01:30	Non standard timings. Where you intend to use 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)
Tue	09:00	01:30	
Wed	09:00	01:30	
Thur	09:00	01:30	
Fri	09:00	01:30	
Sat	09:00	01:30	
Sun	09:00	01:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Conditions are sought to be removed from the Premises Licence as identified upon extract of the Licence attached hereto

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

Negotiation has been undertaken with West Mercia Police in connection with the content of the Premises Licence. It has been agreed that the current condition in relation to the provision of door supervisors is no longer required and a risk assessed situation should prevail for future. In view of the fact that this has been negotiated and discussed with the Police it is considered that no adverse effect will arise in relation to the promotion of licensing objective in respect of prevention of crime and disorder.

Discussions have taken place with the Licensing Authority with regard to the conditions imposed upon the Licence many of which are historic and have no benefit. The removal of such conditions is not considered to have an adverse impact upon the four licensing objectives as, the requirements are in any event imposed upon the premises by virtue of other legislation in the main.

No additional steps are offered save for the amended condition in relation to SIA set out under prevention of crime and disorder.

The above is provided by way of explanation and is not intended to be converted into conditions.

b) The prevention of crime and disorder

Amendment of condition 2.1 in respect of SIA. The new proposed condition is "The DPS shall undertake a risk assessment as to the need of SIA. The DPS should consider the nature of the event, number of persons expected to attend, the recommendations of West Mercia Police.

If SIA are employed, then written records for SIA door supervisors, including full name with SIA badge numbers shall be kept on the premises for at least twelve months and be available for inspection at a reasonable time by a member of the responsible authorities."

c) Public safety

No additional steps are offered

d) The prevention of public nuisance

No additional steps are offered

e) The protection of children from harm

No additional steps are offered

I have made or enclosed payment of the fee

- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Pa 
 Date: 14/9/12
 Capacity: Solicitors

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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: John Gaunt & Partners.....
 Date:
 Capacity: Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional)	

From: Hough, David
Sent: 25 September 2012 15:47
To: 'mhazlewood@john-gaunt.co.uk'
Subject: Premise licence variation application for the Imperial 31 Widemarsh Street Hereford

For the attention of Michelle Hazlewood

As a responsible authority under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application to vary the premise licence for Imperial 31 Widemarsh Street Hereford

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

As a Service we need to ensure that steps are taken to prevent alcohol to children/person under the age of eighteen. I therefore suggest the following conditions are to be included in the licence.

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 agreed 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). With retraining carried out every 6 months. 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 area advertising the scheme operated.

If your client agrees to these conditions could you email me stating your agreement and copy the email to licensing@herefordshire.gov.uk

Or please contact me to discuss

Regards

David Hough

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate

From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 20 September 2012 13:14
To: Licensing
Subject: Imperial - Widemarsh Street, Hereford

Follow Up Flag: Follow up
Flag Status: Completed

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for the **Imperial, Widemarsh Street, Hereford**. This application seeks to remove a number of existing conditions and to vary the operating hours.

West Mercia Police do not object to this application and have discussed the intentions of the premises licence holder a number of months ago. Whilst the applicant has made mention that West Mercia Police have 'agreed' to change the condition concerning door staff, this was part of a wider general conversation with the regional manager for the premises and as such it was made clear that any approval/granting of changes to the premises licence are done under the authority of the licensing authority

West Mercia Police have the following representations. These are based on the local recorded history of the premises on West Mercia Police systems, personal experience of the premises, the applicants submissions and the model conditions contained in the licensing police for Herefordshire Council Licensing Authority. It is the view of West Mercia Police that these representations are proportionate, necessary, achievable and enforceable for this premises in order to promote the licensing objectives.

1. 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 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 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 Designated Premises Supervisor (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, an authorised Herefordshire Trading Standards Officer or the 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 a written risk assessment dictates door supervision to be necessary. The written risk assessment will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police. When employed SIA door supervisors shall be clearly identifiable and when working outside the premises on the public highway, they shall be wearing 'hi viz' jackets of similar identifying them as door supervisors.
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), an authorised Herefordshire Trading Standards Officer 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 will ensure that the DPS for the premises is an active member of any locally run 'Pub Watch' scheme for the duration of its existence. The DPS will be in possession of at least one 'Pub Watch' radio which will be turned on and monitored during the period the premises is open for licensable activities.
7. A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol from 2000hrs (until the end of licensed hours) on a Friday and Sunday, any bank holiday and any Sunday before a bank holiday Monday.
8. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent).
9. 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 six months 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

10. 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, an authorised Herefordshire Trading Standards Officer or an authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
11. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers
12. No person under the age of 18 shall be permitted on the premises after 2100hrs, unless attending a pre-planned private function and accompanied by an adult aged 21 or over.
13. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer 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 a number of other matters concerning noise management that are best addressed by the relevant responsible authority.

These are the minimum conditions West Mercia Police would wish to see applied to any variation application granted to this premises

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

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 NOVEMBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'ANDREWS, HOLMER SELF SERVICE STORES, BELLE BANK AVENUE, HEREFORD, HR4 9RL' – LICENSING ACT 2003
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of the 'Andrews, Holmer Self Service Stores, Belle Bank Avenue, Hereford, HR4 9RL'.

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 Licensing Authority's application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Licensing Authority on 18th September 2012.
- Two (2) Representations received (from the police and trading standards).

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- to exclude a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council as the Licensing Authority represented by Mr F Spriggs	
Premise Licence Holder	Mr Andrew Ronald Round 50 Glebe Close, Credenhill, Hereford, HR4 7EX	
Solicitor	N/K	
Type of application: Review	Date received: 18th September 2012	28 Days consultation 16th October 2012

3 The grounds for the review are:

The premise is a convenience store situated on the outskirts of Hereford.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject of a test purchase operation which it failed.

4 The information submitted to support the grounds stated:

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been shown on the licence since it was converted from a Justices Licence in October 2005.

The sale was made by the DPS who is a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

5 **Current Licence**

The current licence authorises:

Sale of Alcohol

On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.

On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

Key Considerations

6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

7 There is likely to be little impact on the Community.

Legal Implications

8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

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

11 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 12
- a. Application Form
 - b. Copy of Police Representations
 - c. Copy of Trading Standards Representation

Background Papers

Background papers are available for inspection in the Room 18a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

**Application for the review of a premises licence or club premises certificate
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.

We Herefordshire Council as the Licensing Authority.....

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act
2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
'Andrews' Holmer Self Service Stores Belle Bank Avenue	
Post town Hereford	Post code (if known) HR4 9RL

Name of premises licence holder or club holding club premises certificate (if known)
Mr Andrew Ronald Round

Number of premises licence or club premises certificate (if known)
PR00326

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Fred Spriggs Herefordshire Council as the Licensing Authority Council Offices Bath Street Hereford
Telephone number (if any) 01432 260105
E-mail address (optional) Licensing@herefordshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises is a convenience store situated on the outskirts of Hereford.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject the subject of a test purchase operation which it failed.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been shown on the licence since it was converted from a Justices Licence in October 2005.

The sale was made by the DPS who is a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 18th September 2012

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Process for Guidance

1. The guidance for review must be based on one of the following objectives:
2. Please list any additional information or details for review dates of guidance which are included in the guidance for review if available.
3. The application form must be signed.
4. An applicant's agent (for example, a lawyer) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the order in which we shall use to correspond with you about this application.

From: Hough, David
Sent: 11 October 2012 10:34
To: Bowell, Emma
Cc: Spriggs, Fred
Subject: RE: Memo to RA's - Andrews, Holmer Self Service Stores

Trading Standards Representation

This review was brought after the sale of alcohol to volunteers who were under the age of 18. Looking at the previous history there has been a sale of alcohol at this premise and that in this instance the person selling is the designated premise supervisor, it is the view of Trading Standards that the following conditions are added to the licence.

Removal of the current designated premise supervisor

The Seller of the alcohol shall be retraining to his current level of BIIAB level 2

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 agreed 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). Retraining to take place every 6 months. 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

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.

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 counter advertising the scheme operated.

Regards

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council
PO Box 233

From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 20 September 2012 13:31
To: Licensing
Subject: Andrews Store - Review application

NOT PROTECTIVELY MARKED

West Mercia Police are receipt of a notification notice with regards to review application for **Andrews Store, Belle Bank Ave., Holmer Hereford**. The review application is made in the name of Herefordshire Council Licensing Authority and concerns under age alcohol sales.

This premises has been subject to a previous test purchase failure on 17 September 2011.

West Mercia Police have the following submissions -

West Mercia Police feel that these issues are best addressed by a variation to both premises licences; they feel that there is no requirement to revoke the premises licence or remove the designated premises supervisor.

1. A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.
2. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
3. 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 other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (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 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
4. 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 employed. All staff shall be re-trained twelve monthly thereafter. The training shall include:
 - Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunksTraining 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
5. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised

Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated

If a variation application is not submitted by the premises licence holder and the matter progresses to a formal hearing, these are the minimum conditions West Mercia Police would wish to see applied to the premises licence by any regulatory licensing committee.

Regards

.

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 NOVEMBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'KINGS ACRE POST OFFICE & STORES, 95 KINGS ACRE ROAD, HEREFORD, HR4 0RQ' – LICENSING ACT 2003
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of the 'Kings Acre Post Office & Stores, 95 Kings Acre Road, Hereford, HR4 0RQ.'

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 Licensing Authority's application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Licensing Authority on 18th September 2012
- Two (2) Representations received (from the police and trading standards).

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council as the Licensing Authority represented by Mr F Spriggs	
Premise Licence Holder	Ms Jacqueline Lorraine Pritchard 21 Church Road, Tupsley, Hereford, HR1 1RR	
Solicitor	N/K	
Type of application: Review	Date received: 18th September 2012	28 Days consultation 16th October 2012

3 The grounds for the review are:

The premise is a convenience store situated on the outskirts of Hereford.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject of a test purchase operation which it failed.

4 The information submitted to support the grounds stated:

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been shown on the licence since it was converted from a Justices Licence in October 2005.

The sale was made by a shop assistant, who is not a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

5 **Current Licence**

The current licence authorises:

Sale of Alcohol

On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.

On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

Key Considerations

6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

7 There is likely to be little impact on the Community.

Legal Implications

8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

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

11 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 12
- a. Application Form
 - b. Copy of Police Representations
 - c. Copy of Trading Standards Representation

Background Papers

Background papers are available for inspection in Room 18a , Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

**Application for the review of a premises licence or club premises certificate
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.

We Herefordshire Council as the Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act
2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Kings Acre Post Office & Stores 95 Kings Acre Road,	
Post town Hereford	Post code (if known) HR4 0RQ
Name of premises licence holder or club holding club premises certificate (if known) Jacqueline Lorraine Pritchard	
Number of premises licence or club premises certificate (if known) PR00291	

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|--|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the
premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Fred Spriggs Herefordshire Council as the Licensing Authority Council Offices Bath Street Hereford
Telephone number (if any) 01432 260105
E-mail address (optional) Licensing@herefordshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The premises is a convenience store situated on the outskirts of Hereford.</p> <p>The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.</p> <p>The premise has been the subject the subject of a test purchase operation which it failed.</p>
--

**Please provide as much information as possible to support the application
(please read guidance note 2)**

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been shown on the licence since it was converted from a Justices Licence in October 2005.

The sale was made by a shop assistant, who is not a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 18th September 2012

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

1. The grantor(s) for review must be listed on one of the funding objectives.
2. Please list any address of information or details for contact details of projects which are listed in the grantor(s) review & cost table.
3. The grantor(s) form must be signed.
4. An applicant's sign (for example, a company) may sign the form on their behalf provided that they have a legal authority to do so.
5. This is the grantor(s) form and is to be returned with your other bid application.

From: Hough, David
Sent: 11 October 2012 10:29
To: **Bowell, Emma**
Cc: **Spriggs, Fred**
Subject: **RE: Memo to RA's - Kings Acre PO & Stores**

Trading Standards Representation

This review was brought after the sale of alcohol to volunteers who were under the age of 18. Looking at there is no previous history regarding this premise it is the view of Trading Standards that the following conditions are added to the licence.

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 agreed 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). Retraining to take place every 6 months. 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

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.

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 counter advertising the scheme operated.

Regards

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email: dough@herefordshire.gov.uk
GCSX: dough@herefordshire.gcsx.gov.uk

From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 20 September 2012 13:35
To: Licensing
Subject: FW: Kings Acre Post Office- Review application

NOT PROTECTIVELY MARKED

West Mercia Police are receipt of a notification notice with regards to review application for Kings Acre Post Office, Kings Acre Road, Hereford. The review application is made in the name of Herefordshire Council Licensing Authority and concerns under age alcohol sales.

West Mercia Police have the following submissions -

West Mercia Police feel that these issues are best addressed by a variation to the premises licence; they feel that there is no requirement to revoke the premises licence or remove the designated premises supervisor.

1. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
2. 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 other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (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 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. 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 employed. All staff shall be re-trained twelve 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
4. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated

If a variation application is not submitted by the premises licence holder and the matter progresses to a formal hearing, these are the minimum conditions West Mercia Police would wish to see applied to the premises licence by any regulatory licensing committee.

Regards

.

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 NOVEMBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'COPPER KETTLE, 177 AYLESTONE HILL, HEREFORD, HR1 1JJ' – LICENSING ACT 2003
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of the 'Copper Kettle, 177 Aylestone Hill, Hereford, HR1 1JJ'.

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 Licensing Authority's application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Licensing Authority on 18th September 2012
- Two (2) Representations received (from the police and trading standards).

Options

- 1 There are a number of options open to the committee:
 - the modification of the conditions of the premises licence;
 - to exclude a licensable activity from the scope of the licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council as the Licensing Authority represented by Mr F Spriggs	
Premise Licence Holder	Mr Craig Justin Bradbury Hereford Confectionery Services Ltd, Suites 1 and 2, 15 High Town, Hereford, HR1 2AA	
Solicitor	N/K	
Type of application: Review	Date received: 18th September 2012	28 Days consultation 16th October 2012

- 3 The grounds for the review are:

The premise is a convenience store situated on the outskirts of Hereford.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject of a test purchase operation which it failed.

- 4 The information submitted to support the grounds stated:

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been at the premises since November 2009.

The sale was made by a shop assistant, who is not a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

- 5 **Current Licence**
The current licence authorises:
Sale of Alcohol
Monday-Saturday: 07:00 - 22:00
Sunday: 07:00 - 21:00

Key Considerations

- 6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:
- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

- 7 There is likely to be little impact on the Community.

Legal Implications

- 8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 10 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 11 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 12 a. Application Form
 b. Copy of Police Representations
 c. Copy of Trading Standards Representation

Background Papers

Background papers are available for inspection in the Room 18a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

**Application for the review of a premises licence or club premises certificate
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.

We Herefordshire Council as the Licensing Authority.....

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act
2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Copper Kettle 177 Aylestone Hill	
Post town Hereford	Post code (if known) HR1 1JJ
Name of premises licence holder or club holding club premises certificate (if known) Mr Craig Justin BRADFORD	
Number of premises licence or club premises certificate (if known) PR01187	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Fred Spriggs Herefordshire Council as the Licensing Authority Council Offices Bath Street Hereford
Telephone number (if any) 01432 260105
E-mail address (optional) Licensing@herefordshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises is a convenience store situated on the outskirts of Hereford.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject the subject of a test purchase operation which it failed.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a 2 litre bottle of Strongbow Cider.

No challenge was made in respect of age.

The current DPS has been at the premises since November 2009.

The sale was made by a shop assistant, who is not a Personal Licence Holder and was the only person on the premises.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

[Empty text box for providing details of representations]

Please tick yes

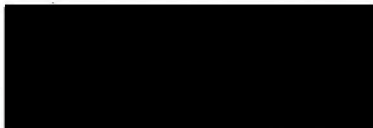
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 18th September 2012

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

1. The physical layer must be based on one of the following options.
2. The data link layer is responsible for the reliable transfer of data between nodes on a network.
3. The network layer is responsible for the routing of data packets.
4. The transport layer is responsible for the reliable transfer of data between processes on a host.
5. The session layer is responsible for the establishment, maintenance, and termination of a session between two communicating devices.
6. The presentation layer is responsible for the representation of data.
7. The application layer is responsible for the application-specific protocols.

From: Hough, David
Sent: 11 October 2012 11:06
To: Bowell, Emma
Subject: RE: Memo to RA's - Copper Kettle

Trading Standards Representation

This review was brought after the sale of alcohol to volunteers who were under the age of 18. Looking at it there is no previous history regarding this premise it is the view of Trading Standards that the following conditions are added to the licence.

A personal licence holder shall be on the premises at all times

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 agreed 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). Retraining to take place every 6 months. 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

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.

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 counter advertising the scheme operated.

Regards

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011

From: Mooney,James [james.mooney@westmerciam.pnn.police.uk]
Sent: 20 September 2012 13:39
To: Licensing
Subject: Copper Kettle - Review application

NOT PROTECTIVELY MARKED

West Mercia Police are receipt of a notification notice with regards to review application for **Copper Kettle Store, Aylestone Hill, Hereford**. The review application is made in the name of Herefordshire Council Licensing Authority and concerns under age alcohol sales.

West Mercia Police have the following submissions -

West Mercia Police feel that these issues are best addressed by a variation to the premises licence; they feel that there is no requirement to revoke the premises licence or remove the designated premises supervisor.

1. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
2. 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 other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (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 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. 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 employed. All staff shall be re-trained twelve 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
4. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated

If a variation application is not submitted by the premises licence holder and the matter progresses to a formal hearing, these are the minimum conditions West Mercia Police would wish to see applied to the premises licence by any regulatory licensing committee.

Regards

.

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 NOVEMBER 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE 'THE HERDSMAN, 54 WIDEMARSH STREET, HEREFORD, HR4 9HG' – LICENSING ACT 2003
PORTFOLIO AREA:	PEOPLES SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the review of a premises licence in respect of the 'The Herdsman, 54 Widemarsh Street, Hereford, HR4 9HG'.

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 Licensing Authority's application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Licensing Authority on 18th September 2012
- Two (2) Representations received (from the police and trading standards).

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council as the Licensing Authority represented by Mr F Spriggs	
Premise Licence Holder	Mr Mark Higgins 54 Widemarsh Street, Hereford, HR4 9HG	
Solicitor	N/K	
Type of application: Review	Date received: 18th September 2012	28 Days consultation 16th October 2012

- 3 The grounds for the review are:

The premise is a public house which is situated on the edge of the centre of Hereford City.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject the subject of a test purchase operation which it failed.

- 4 The information submitted to support the grounds stated:

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a bottle of Becks each.

The current DPS has been at the premises since July 2010.

At the time of the sale the DPS and his wife were behind the bar. The wife, who is a personal licence holder, made the sale.

No challenge was made in respect of age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

5 **Current Licence**

The current licence authorises:

Films; Indoor Sporting Events; Live Music; Recorded Music; Performances of Dance; Activity Like Music or Dance; Facility for Making Music; Facility for Dancing; Facility Like Music and Dance

Monday – Sunday 9:00 - 01:00

Late Night Refreshment

Monday – Sunday 23:00 - 02:00

Sale of Alcohol

Monday – Sunday 10:00 - 01:30

Key Considerations

- 6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:
- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

- 7 There is likely to be little impact on the Community.

Legal Implications

- 8 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 10 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 11 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 12 a. Application Form
 b. Copy of Police Representations
 c. Copy of Trading Standards Representation

Background Papers

Background papers are available for inspection in the Room 18a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

**Application for the review of a premises licence or club premises certificate
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.

We Herefordshire Council as the Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Herdsman 54 Widemarsh Street	
Post town Hereford	Post code (if known) HR4 9HG
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Mark Higgins	
Number of premises licence or club premises certificate (if known)	
PR01036	

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Fred Spriggs Herefordshire Council as the Licensing Authority Council Offices Bath Street Hereford
Telephone number (if any) 01432 260105
E-mail address (optional) Licensing@herefordshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The premises is a public house which is situated on the edge of the centre of Hereford City.

The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The premise has been the subject the subject of a test purchase operation which it failed.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

During the evening of Friday 14th September 2012 Herefordshire Council trading standards department and West Mercia Police carried out a test purchase operation at the premise.

A 15 year old male and a 16 year old female were sold a bottle of Becks each.

The current DPS has been at the premises since July 2010.

At the time of the sale the DPS and his wife were behind the bar. The wife, who is a personal licence holder, made the sale.

No challenge was made in respect of age.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

[Empty text area for providing details of representations]

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 18th September 2012

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Notes for Exhibit 4

1. The grounds for review must be based on one of the following objectives:
2. Place in any physical instrument or device to transmit data or other information which are required in the program for control, evaluation,
3. The application form must be signed.
4. An applicant's agent for any subject matter must be a person on their behalf, provided that they have written authority to do so.
5. The fee schedule which we will use to correspond with you about this application.

From: Hough, David
Sent: 11 October 2012 11:15
To: **Bowell, Emma**
Cc: **Spriggs, Fred**
Subject: **RE: Memo's to RA - Herdsman**

Trading Standards Representation

This review was brought after the sale of alcohol to volunteers who were under the age of 18. Looking at the circumstances of the sale at this premise it is the view of Trading Standards that the following conditions are added to the licence.

At prompt on the tills shall be installed alerting that it is a age related product and for the member of staff to confirm person is over 18.

All staff including the seller in the instance which caused this review shall be explicitly trained in the challenge 25 policy within 1 month of commencing employment at the premises. Existing staff this training shall be completed within 1 month of the date that this condition first appears on the licence).Retraining to take place every 6 months. 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

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 agreed 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).Retraining to take place every 6 months. 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

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.

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 counter advertising the scheme operated.

Regards

David Hough
Team Manager
Business and Agricultural Support Team
Health and Well Being Services
Peoples Directorate
Herefordshire Council

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 20 September 2012 13:42
To: Licensing
Subject: FW: Herdsman Public House - Review application

NOT PROTECTIVELY MARKED

West Mercia Police are receipt of a notification notice with regards to review application for the **Herdsman Public House, Widemarsh Street, Hereford**. The review application is made in the name of Herefordshire Council Licensing Authority and concerns under age alcohol sales.

West Mercia Police have the following submissions -

West Mercia Police feel that these issues are best addressed by a variation to the premises licence; they feel that there is no requirement to revoke the premises licence or remove the designated premises supervisor.

1. The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
2. 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 other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (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 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. 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 employed. All staff shall be re-trained twelve 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the

premises as well as at, at least one location behind any serving area advertising the scheme operated

If a variation application is not submitted by the premises licence holder and the matter progresses to a formal hearing, these are the minimum conditions West Mercia Police would wish to see applied to the premises licence by any regulatory licensing committee.

Regards

Jim Mooney

Police Licensing Officer - South Hub

Territorial Policing Unit - Herefordshire

West Mercia Police

01432 347102 (direct line)

07792 366 462 (work)

herefordandworcesterlicensing@westmercia.pnn.police.uk

Document is Restricted

