

AGENDA

Regulatory Sub Committee

Date: **Thursday 25 April 2013**

Time: **2.00 pm**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor BA Durkin
Councillor JW Hope MBE
Councillor GA Vaughan-Powell**

AGENDA

		Pages
1.	<p>ELECTION OF CHAIRMAN</p> <p>To elect a Chairman for the hearing.</p>	
2.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
3.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
4.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
5.	<p>FITNESS OF LICENSED VEHICLES H055 AND H275 FOLLOWING VOSA INSPECTION</p> <p>To determine if the proprietor and vehicle remain suitable to be licensed.</p>	5 - 10
6.	<p>FITNESS OF LICENSED VEHICLE H088 FOLLOWING VOSA INSPECTION</p> <p>To determine if the proprietor and vehicle remain suitable to be licensed.</p>	11 - 16
7.	<p>APPLICATION FOR A NEW PREMISES LICENCE 'MARMARIS KEBAB HOUSE, 21 UNION STREET, HEREFORD, HR1 2BT'</p> <p>To consider an application for a new Premises Licence in respect of 'Marmaris Kebab House, 21 Union Street, Hereford, HR1 2BT'.</p>	17 - 48
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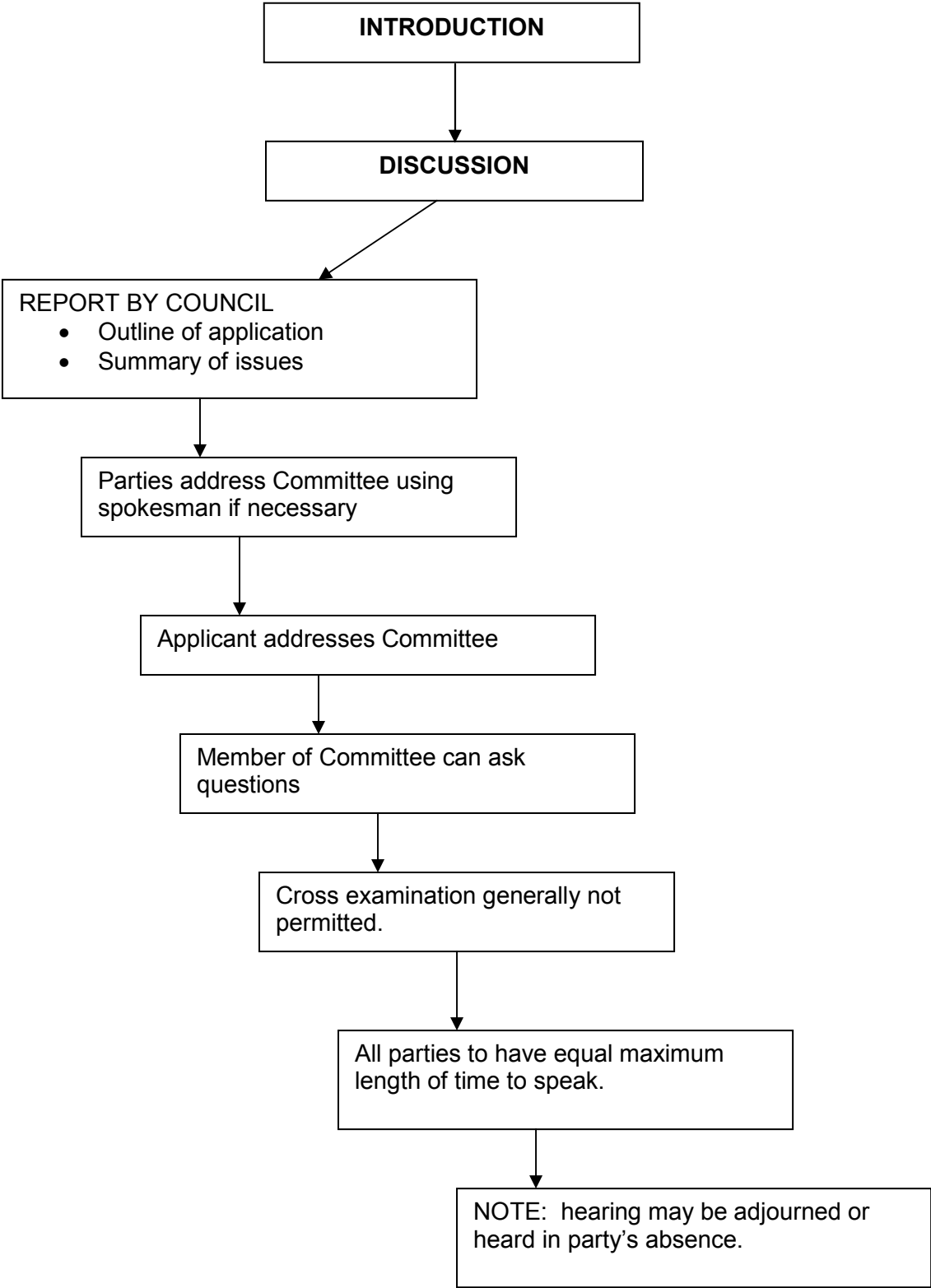
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB COMMITTEE
DATE:	25 APRIL 2013
TITLE OF REPORT:	FITNESS OF VEHICLE H055 (FRONT OFFSIDE TYRE EXPOSED INTERNAL STRUCTURE AND H275 (TWO DEFECTIVE FRONT TYRES) FOLLOWING VOSA INSPECTION
PORTFOLIO AREA:	LICENSING :ENVIRONMENTAL HEALTH AND TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To determine if the proprietor and vehicles remain suitable to be licensed.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT Committee:

- (a) **Issue 4 Penalty Points for each vehicle for a breach of Standard Condition B10 (Failure by driver or proprietor to take reasonable precautions to ensure the safety of passengers);**
- (b) **and issue a final warning, that if the vehicle is found with defective tyres in the future the licences will be revoked and the vehicles will not be able to be licensed in Herefordshire in the future.**

Key Points Summary

- Vehicle proprietor is Lina Hussini
- Inspections carried out by VOSA and West Mercia.
- The vehicle AE03UGC, VW Passat, Plate No:**H055**, Front off-side tyre worn down to expose internal structure of tyre.

Further information on the subject of this report is available from
Claire Corfield Licensing Manager 01432 383324

- The vehicle MV53YRC, Blue Peugeot 406LX estate, Plate no:H275, vehicle had two defective front tyres
- Further consideration regarding the fitness of the proprietor to retain the licence.
- Deferred from the last meeting.

Alternative Options

- 1 **Revoke the vehicle licences – Advantages – ensures compliance with safety of passengers by ensuring the vehicles are safely maintained. Disadvantages – the proprietor could Appeal the decision to revoke.**

Defer the decision – Advantages – will allow further information to be supplied if it is deemed necessary. Disadvantages – further delays the decision

Reasons for Recommendations

- 2 The recommendation has been made as the proprietor claims she was unaware of the defective tyres, the drivers have already been sent Penalty Points, but the primary responsibility remains that of the vehicle proprietor.

Introduction and Background

- 3 The licences are owned by Mrs Lina Hussini.

VOSA and West Mercia undertook a joint vehicle check at Blackmarsden School on 6/3/2013. During the inspection a number of vehicles were found to have defects or other problems. H055 and H275 both were found with defective tyres.

Mrs Hussini and her Husband Mr Issam Bairkdar own a further 22 licensed vehicles between them. It is understood that Mr Bairkdar is the primary person who is responsible for the vehicles.

Due to the fact that the vehicles were and are being used for transporting children, it was felt that the matter was serious and warranted a referral to Regulatory Sub Committee for determination.

The matter has been deferred from the last meeting as Mrs Hussini did not attend or provide written authority for her husband to represent her.

Key Considerations

- 4 On the balance of probabilities, is the vehicle proprietor able to retain the licence and maintain control of the vehicle. Is there a risk that she will once again allow the vehicles to be run with defective tyres or other defects, because she does not have day to day control over the business?

Community Impact

- 5 Ms Hussini and her husband operates 22 other licensed vehicles. Their company undertakes a number of school and other contracts for the Council therefore drives some of the County's

most vulnerable people around on school taxi contracts and bus runs. The most recent VOSA and Police inspection was carried out at Blackmarsden School.

Financial Implications

6 There are no financial implications for the Council only for the vehicle proprietor.

Legal Implications

S60 (1) of the TPCA 1847 states

7 A district Council may suspend or revoke a vehicle licence on the following grounds:-

- b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the proprietor or driver; or
- c) any other reasonable cause

Risk Management

9 There is a reputational risk to the Council as it awards contracts for transport services, which covers school transport. If the vehicles are not operated within the Regulations the insurance will be voided and the passengers will be travelling without any cover. A claim could be made against the Council if the vehicle was not adequately insured defective or not operated within the statutory requirements.

Consultees

10 Not applicable

Appendices

11 Copy of West Mercia e-mail

Background Papers

- None identified.

As part of Op Coachman I attended Blackmarston school on 6th March 2013.
I was in company with vehicle and traffic examiners from VOSA.

Of concern were the following:

MV53YRC Blue Peugeot 406LX estate. Plate no:**H275**
This vehicle had two defective front tyres.

AE03UGC VW Passat Plate No:**H055**
FOS tyre worn down to expose internal structure of tyre.

These two are run from 3 The Pastures, Lower Bullingham by Mr Bairkdar.
He also owns a tyre company.

Drivers have been reported and I intend to report Mr Bairkdar.

MEETING:	REGULATORY SUB COMMITTEE
DATE:	25 APRIL 2013
TITLE OF REPORT:	FITNESS OF VEHICLE H088 FOLLOWING VOSA INSPECTION – CARRYING OVER 8 PASSENGERS – AND REVIEW OF PENALTY POINTS
PORTFOLIO AREA:	LICENSING - ENVIRONMENTAL HEALTH AND TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To determine if the proprietor and vehicle remain suitable to be licensed.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT Committee:

- (a) **Issue 4 further Penalty Points for making alterations to the vehicle without consent (adding a seat into vehicle);**
- (b) **and issue a final warning, that if the vehicle is found to be defective or altered in the future the licence will be revoked and the vehicle will not be able to be licensed in Herefordshire in the future;**
- (c) **and issue a final warning, that if further Penalty Points are issued the matter will be referred back to Members who will consider revocation of the licence.**

Key Points Summary

- Vehicle proprietor is Lyndsay Oakley-Davies
- Inspections carried out by VOSA and West Mercia.
- The vehicle had nine passenger seats in it.

Further information on the subject of this report is available from
Claire Corfield Licensing Manager 01432 383324

- 18 penalty points issued for breaches identified during vehicle inspection.
- Further consideration regarding the fitness of the proprietor to retain the licence.
- 4 further points issued for altering the vehicle without consent.
- The matter was deferred from the 26 March 2013 meeting for clarification.

Alternative Options

- 1 **Revoke the vehicle licence – Advantages – ensures compliance with the statutory requirement to only licence vehicle up to 8 passenger seats. Disadvantages – the proprietor could Appeal the decision to revoke.**

Suspend the vehicle licence as the proprietor has accrued more than the permissible penalty points.

Defer the decision – Advantages – will allow further information to be supplied if it is deemed necessary. Disadvantages – further delays the decision

Reasons for Recommendations

- 2 The recommendation has been made as the proprietor claims he was unaware of the additional seat being put into the vehicle. Mr Oakley-Davies further added that the additional seat had been added at the request of the school and made directly to the driver. The penalty points were accrued on one occasion when the vehicle was inspected following the VOSA failure, most of the points issued were for not having the hackney appropriately fitted out with meter etc, this does not affect the safety of the vehicle.

Background Information

- 3 The vehicle is owned by Lindsay Oakley-Davies and has been owned by him since January 2009.

VOSA and West Mercia undertook a joint vehicle check at Blackmarsden School on 6/3/2013. During the inspection a number of vehicles were found to have defects or other problems. H088 CN51 EYG was found to be carrying **nine** passengers. The legislation only allows the Local Authority to licence vehicle up to **eight** passengers. The test certificates were inspected and at the time of inspection, the vehicle only contained **eight** passenger seats.

The vehicle was requested to be presented at Bath Street Offices for inspection. The vehicle was driven in by Lee Perkins. The vehicle was found to have **eight** passenger seats and the driver confirmed that sometimes there is an extra seat put in and indicated the two positions where it can be located.

Mr Oakley-Davies was telephoned following the inspection and he indicated that his investigation of the matter found that the additional seat had been requested by the school to accommodate one more passenger, the driver was not the normal driver and agreed to this being done, Mr Oakley-Davies was unaware of this request.

Following the inspection a number of other matters were identified and are listed:-

No meter
No roof sign

No door signs

No tariff sheet displayed

Plate not affixed to rear of vehicle but displayed in back window

The passenger step was rusty and fixed in the closed position. The driver did manage to get the step out but it was very difficult to do so.

The above matters were requested to be rectified as soon as possible and accumulated 18 penalty points. A further 4 points are recommended which will mean the proprietor has accrued 22 points which is over his allowed points of 12 plus 1 for each additional vehicle = 16 owned by Mr Oakley-Davies.

Due to the fact that the vehicle is being used for transporting children, it was felt that the matter was serious and warranted a referral to Regulatory Sub Committee for determination.

The matter was deferred from the last meeting on 26 March 2013 as the Members wanted clarity on the Penalty Points issued.

Key Considerations

- 4 On the balance of probabilities, is the vehicle proprietor able to retain the licence and maintain control of the vehicle. Is there a risk that he will once again add extra seating in the licensed vehicles?

Community Impact

5. Mr Oakley-Davies operates four other licensed vehicles 3 are 8 seaters and 1 car. His company undertakes a number of school and other contracts for the Council therefore drives some of the County's most vulnerable people around on school taxi contracts and bus runs. The most recent VOSA and Police inspection was carried out at Blackmarsden School.

Financial Implications

- 6 There are no financial implications for the Council only for the vehicle proprietor.

Legal Implications

- 7 The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is 8. Any vehicle which carries more than 8 is classified as a public service vehicle (PSV) under the Public Passenger Vehicles Act 1981.

S60 (1) of the TPCA 1847 states

- 8 A district Council may suspend or revoke a vehicle licence on the following grounds:-
 - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the proprietor or driver; or
 - c) any other reasonable cause

Risk Management

- 9 There is a reputational risk to the Council as it awards contracts for transport services, which covers school transport. If the vehicles are not licensed or are not operated within the Regulations the insurance will be voided and the passengers will be travelling without any

cover. A claim could be made against the Council if the vehicle was not adequately insured defective or not operated within the statutory requirements.

Consultees

10 Not applicable

Appendices

11 Copy of West Mercia e-mail

Background Papers

- None identified.

CN51EYG LDV minibus. Plate no:**HO88**

Vehicle was carrying 9 passengers it is only plated for 8.

Driver: Mr Geoffrey Bridges 10/08/38 Pomona. 7 Broadlands Lane,
Hereford.

He does not hold a category D1 entitlement on his driving licence. He is also
required to wear glasses when driving....he wasn't.

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	25 APRIL 2013
TITLE OF REPORT:	APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'MARMARIS KEBAB HOUSE, 21 UNION SREET, HEREFORD, HR1 2BT' – LICENSING ACT 2003.
REPORT BY:	CLAIRE CORFIELD – LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Central

4. Purpose

To consider an application for a new Premises Licence in respect of 'Marmaris Kebab House, 21 Union Street, Hereford, HR1 2BT'.

5. Recommendation(s)

THAT

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

6. Key Points Summary

- The application requests the provision of Late Nigh Refreshment until 0130 ours on all days of the week

Further information on the subject of this report is available from
Clare Corfield, Licensing Manager 01432 26012

- The premises is within the area covered by the Herefordshire Council Special Policy (Cumulative Impact Policy)
- Representations have been received from the Police and Licensing Authority both who object to the licence.

7. Options

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

- 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,
- 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,
- To exclude from the scope of the licence any of the licensable activities to which the application relates,
- To refuse to specify a person in the licence as the premise supervisor, or
- To reject the application.

8. Reasons for Recommendations

8.1 Ensure compliance with the legislation.

9. Introduction and Background

9.1 Background Information

Applicant	Murat Polat 21-21 A Union Stree, Hereford, HR1 2BT	
Representative	N/K	
Type of application: New Application	Date received: 7/03/2013	28 Days consultation 3/04/2013

9.2 Licence Application

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

9.3 Summary of Application

Formal Report Template DRAFT 3Oct12

The application requests:

Late Night Refreshment
2300 – 0200

All days of the week (Indoors)

- 9.4 Non Standard Timings:
Sunday before Bank Holiday & Christmas Eve and New Year Eve 2300 – 0330.

9.5 **Summary of Representations**

A copy of the representations can be found within the background papers. Representations have been made by **two (2)** responsible authorities (Police and Licensing Authority).

9.6 **Previous History**

In the past the premises were licensed for the provision of late night refreshment until 0130 hours on all days.

However, the premises were sold, by the previous licence holder, at least prior to 22 October 2012 to the current applicant. Mr Polat was advised at that time of the need to transfer the licence but refused to do so. Eventually the holder of that licence surrendered it on 27 December 2012.

10. **Key Considerations**

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

11. **Community Impact**

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

12. **Equality and Human Rights**

- 12.1 "A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

13. **Financial Implications**

- 13.1 There are unlikely to be any financial implications at this time to the authority.

14. **Legal Implications**

- 14.1 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.

- 14.2 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.

- 14.3 In this case it was summed up that: -
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.
- 14.4 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.
- 14.5 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.
- 14.6 The case of *Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council*, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.
- 14.7 This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.
- 14.8 The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.
- 14.9 The matter was further appealed to the High Court by way of case stated.
- 14.10 Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'
- 14.11 In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.
- 14.12 The stated case of *The Queen on the application of JD Wethersoon PLC v Guildford Borough Council* which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:
- 14.13 'The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring

an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

14.14 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).

14.15 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.

15. Risk Management

15.1 No risk identified.

16. Consultees

- 16.1 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 16.2 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.
- 16.3 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.
- 16.4 The applicant has produced a copy of the advertisement which is incorrect, in that it does not show the non-standard timings.

17. Appendices

- a. Application Form
- b. Local Authority Representation
- c. Police Representation
- d. Herefordshire Council Special Policy

18. Background Papers

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

Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.
- 13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

- 13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the

licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

- 13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives
- 13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 08 March 2013 10:30
To: Licensing
Cc: Spriggs, Fred; Semper,Nick; 'murat-polat-23@hotmail.com'
Subject: Marmaris Kebab House, 21 Union Street, Hereford

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location known as **Marmaris Kebab House, 21 Union Street, Hereford**. The application is for the licensable activity of late night refreshment from 2300hrs to 0130hrs (7 days a week) plus various other days/dates until 0330hrs

West Mercia Police object to this application with regards to any licensed operating hours requested later than 0130hrs.

It is the view of West Mercia Police that if these extended operating hours are granted they will have a direct impact on the licensing objectives and in particular those concerning the prevention of crime and disorder and the prevention of public nuisance.

You will be aware that this location is a long term fast food outlet and has until recently (until the premises licence was surrendered) was licensed for late night refreshment until 0130hrs.

If this matter is to progress to a regulatory licensing hearing, West Mercia Police will provide information with regards to crime, disorder and nuisance connected in or near this premises.

I have copied this objection notice to the applicant.

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

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

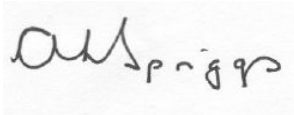
I refer to the application made for the grant of a premises licence in respect of Marmaris, 21 Union Street, Hereford, HR1 2BT.

The application requests the licencing of a premises as a fast food outlet. Whilst in the past there has been a premises at this location the premises licence was surrendered earlier this year.

The premises is within the heart of the area covered by Herefordshire Council's Special Policy under the Licensing Act 2003 (the Cumulative Impact Area). This policy is in place due to the saturation of licensed premises which includes takeaways.

The applicant has failed to offer anything which would assist in reducing the impact of this premises within this area.

The Licensing Authority must **object** to the grant of the licence.

A handwritten signature in black ink, appearing to read 'Fred Spriggs', is written on a light-colored rectangular background.

Fred Spriggs
Licensing Officer

[Insert name and address of relevant licensing authority and its reference number (optional).]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We MURAT POLAT
(Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MARMARIS KEBAB HOUSE 21 UNION STREET			
Post town	HEREFORD	Postcode	HR1 2BT
Telephone number at premises (if any)	01432 343 010		
Non-domestic rateable value of premises	£ 6680		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

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

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

DD MM YYYY

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

Please give a general description of the premises (please read guidance note 1)

PIZZA - BURGER - KEBABS and soft drink
 Takeaway shop with sitting area 16 covers

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

--

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

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

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			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)		
Wed					
Thur					
Fri					
Sat					
Sun					

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 (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri				
			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				
Sun				

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 (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

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

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23 ⁰⁰	1.30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23 ⁰⁰	1.30			
Wed	23 ⁰⁰	1.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23 ⁰⁰	1.30			
Fri	23 ⁰⁰	1.30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) Bank holidays offering time Sunday to Monday until 3.30 AM Christmas 24 th December and New Year		
Sat	23 ⁰⁰	1.30			
Sun	23 ⁰⁰	1.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	23 ⁰⁰	1.30	
Tue	23 ⁰⁰	1.30	
Wed	23 ⁰⁰	1.30	
Thur	23 ⁰⁰	1.30	
Fri	23 ⁰⁰	1.30	
Sat	23 ⁰⁰	1.30	
Sun	23 ⁰⁰	1.30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Bank holidays opening the Sunday to Monday
until 3.30AM Christmas 26th December
and New Year

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

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

b) The prevention of crime and disorder

The Premises Licence Holder DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary / b) any complaints
a) all crimes reported to the police received

c) Public safety

c) any incidents of disorder
e) any visit by a relevant authority or emergency service
noise or vibration shall not emanate from the premises so as to cause
Remember all staff will be responsible at least for ensuring litter is removed from the area within 30 metres in each direction from the shop

d) The prevention of public nuisance

prominent clear and legible signage not less than 32 feet tall shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly

e) The protection of children from harm

--

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	

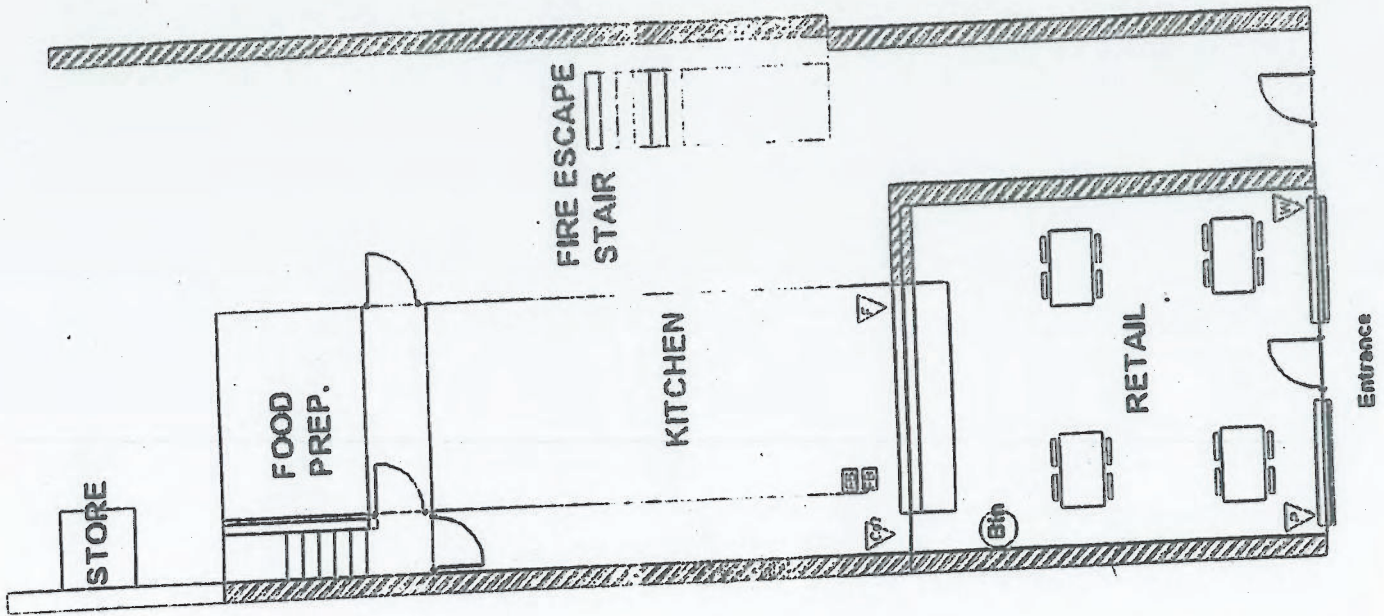
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.






Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



-  Fire Extinguisher - Water 9 Litre
-  Fire Extinguisher - Dry Powder
-  Fire Extinguisher - CO2
-  Fire Extinguisher - Foam
-  Fire Blanket

- LICENSABLE ACTIVITY



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	25 APRIL 2013
TITLE OF REPORT:	APPLICATION FOR A VARIATION TO THE PREMISES LICENCE IN RESPECT OF 'PLAY, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR' – LICENSING ACT 2003.
REPORT BY:	CLAIRE CORFIELD – LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Central

4. Purpose

To consider an application for a variation to the Premises Licence in respect of 'Play Nightclub, 51-55 Blue School Street, Hereford, HR1 2AR.

5. Recommendation(s)

THAT

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

6. Key Points Summary

- The application requests the extension of hours on New Years Eve, Boxing Night, the night known as Easter Thursday, the night known as 'A' Level Thursday and the Sunday before a Bank Holiday until 4 am

Further information on the subject of this report is available from
Clare Corfield, Licensing Manager 01432 26012

- The premises is within the area covered by the Herefordshire Council Special Policy (Cumulative Impact Policy)
- Representations have been received from the Police and Licensing Authority both who object to the licence.

7. Options

There are a number of options open to the committee:

- 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,
- 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,
- To exclude from the scope of the licence any of the licensable activities to which the application relates,
- To refuse to specify a person in the licence as the premise supervisor, or
- To reject the application.

8. Reasons for Recommendations

- 8.1 Ensure compliance with the legislation.

9. Introduction and Background

9.1 Background Information

Applicant	B & R Leisure Play Nightclub, Blue School Street, Hereford, HR1 2AR	
Representative	N/K	
Type of application: Variation	Date received: 1/03/2013	28 Days consultation 29/03/2013

9.2 Licence Application

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

9.3 Summary of Application

The application requests that:

Live Music (Indoors & Outdoors), Films, Recorded Music, Performance of dance, anything similar to live/recorded music or performance (all indoors) and sale by retail of alcohol (Both on & off the premises) as follows:

An earlier start time of 1830 hours on all days and:

Non Standard Timings:

New Year's Eve, Boxing Night, the night known as Easter Thursday, the night known as 'A' Level Thursday and the Sunday before a Bank Holiday until 4 am

The application also requests Adult Entertainment 'Review Shows (No exposure to genitals)'.

9.4 **Summary of Representations**

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

Representations have been made by **two (2)** responsible authorities (Police and Licensing Authority).

10. **Key Considerations**

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

11. **Community Impact**

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

12. **Equality and Human Rights**

12.1 "A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

13. **Financial Implications**

13.1 There are unlikely to be any financial implications at this time to the authority.

14. Legal Implications

- 14.1 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.
- 14.2 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.
- 14.3 In this case it was summed up that: -
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.
- 14.4 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.
- 14.5 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.
- 14.6 The case of Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.
- 14.7 This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.
- 14.8 The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.
- 14.8 The matter was further appealed to the High Court by way of case stated.
- 14.9 Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'
- 14.10 In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.

14.11 The stated case of 'The Queen on the application of JD Wethersoon PLC v Guildford Borough Council which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:

14.12 'The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

14.13 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).

14.14 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.

15. Risk Management

15.1 No risk identified.

16. Consultees

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

16.2 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.

16.3 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.

16.4 The applicant has produced a copy of the advertisement which is incorrect, in that it does not show that the live music was to be both indoor and outdoor.

17. Appendices

- a. Application Form
- b. Local Authority Representation
- c. Police Representation
- d. Herefordshire Council Special Policy

18. Background Papers

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

Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.
- 13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

- 13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient

evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

- 13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives
- 13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 12 March 2013 09:27
To: Licensing
Cc: Semper,Nick; Spriggs, Fred
Subject: Play Night Club, Blueschool Street, Hereford - variation application

Follow Up Flag: Follow up

Flag Status: Completed

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application submitted by representatives of **Play Night Club, Blueschool Street, Hereford**.

The application seeks to extend operating hours on various dates until 0400hrs and to amend by definition the exclusion of adult entertainment.

West Mercia Police object to this application in part.

To assist West Mercia Police agree with the request to vary the premises licence with regards to the following matters -

- Boxing Day and New Years Eve - extending hours for licensable activities until 0400hrs
- Adult review shows - with no exposure of genitals.

The stance of West Mercia Police is that the extension of these hours are in mainly in line with other premises within the area and other parts of Herefordshire county.

In order to progress these matters, West Mercia Police are of a view that the existing conditions attached to the premises licence are sufficient to promote the licensing objectives - with the exception of the condition concerning 'no adult entertainment'. West Mercia Police are of the view that there is scope to amend the existing condition to allow this activity to take place.

West Mercia Police object to the remainder of the application with regards to extending licensable activities until 0400hrs.

It is the view of West Mercia Police that to grant this part of the application would have a negative impact on the licensing objectives and those in particular with regards to the prevention of crime and disorder and the prevention of public nuisance. There is nothing in the application which indicates how the extension of hours for licensable activities with reduce the impact on the licensing objectives and within the general area.

This premises is the largest late night venue in Herefordshire. It is located within an area identified within the licensing policy for Herefordshire District Council as a 'special policy' with regards to the 'cumulative impact zone/area (CIZ)'. This CIZ is in place as a result of evidence provided by West Mercia Police to the Licensing Authority to show that the cumulative effect of a concentration of licensed premises in the area has an adverse effect on the licensing objectives.

The council licensing policy further states 'that the effect of the 'CIZ' is that it creates a rebuttable presumption, that applications within the 'CIZ' will normally be refused'.

West Mercia Police will be able to provide further information to support their objection to the application. This will be provided in a timely manner prior to any regulatory licensing hearing.

Regards

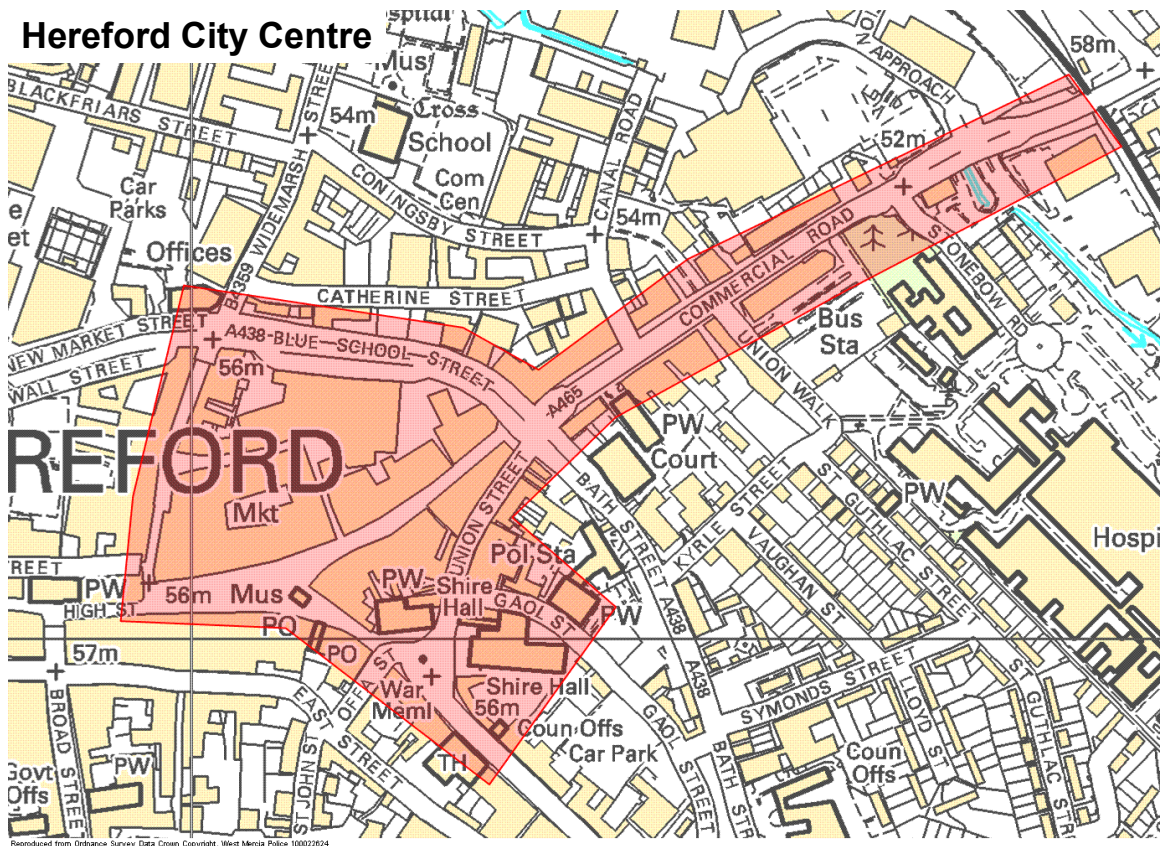
Jim Mooney
Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmercia.pnn.police.uk

PLAY NIGHT CLUB – VARIATION APPLICATION

Summary of Crime and Disorder in Hereford City Centre

1.0 Overview

This document is an assessment of crime and disorder within the area outlined in red on the map below.



Particular emphasis is placed on crime and disorder involving alcohol disorder committed after 18:00 hrs and before 04:00.

2.0 Incidents

In the 12 months between 1 January and 31 December 2010 there were a total of 1003 incidents of relevant crime or disorder¹ reported in the area outlined above, of these, 229 incidents went on to be crimed (23%). Of the 1003 incidents 636 (63%) occurred between the hours of 18:00 and 04:00, 157 of these went on to be crimed (25%).

¹ Incident types included are; Anti-social Behaviour, assaults, criminal damage, drug offences, sexual offences, public order offences, collapse/illness/injury, concern for safety, licensing, suspicious circumstances.

In 2011 there were a total of 942 incidents, 201 went on to be crimed (21%). 611 (65%) occurred between 18:00 and 04:00, 147 of these went on to be crimed (24%).

This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

In 2012 there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00 and 04:00 but in 2012 those incidents occurring in that time bracket are as likely not *more* likely to be crimed (as in previous years).

In January 2013 there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00 and 04:00.

Table of all call types throughout the day (all relevant incidents of crime and disorder January 2010- January (end) 2013)

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Illness /Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
Total	1003	942	1014	64	100.00%	100.00%	100.00%	100.00%

Table of overnight relevant call types (18:00hrs to 04:00 hrs) January 2010- January (end) 2013

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/Illness/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
Total	636	611	666	41	100.00%	100.00%	100.00%	100.00%

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00 to 02:00:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
1800	15	8	16	8	17	14	11	89
1900	15	21	14	19	14	27	12	122
2000	14	12	16	19	15	19	22	117
2100	16	22	18	11	35	33	28	163
2200	20	19	24	17	26	35	27	168
2300	23	20	23	41	73	63	29	272
0000	37	19	15	32	31	85	89	308
0100	18	18	24	24	38	77	98	297
0200	15	9	12	13	14	89	84	236
0300	5	4		4	20	75	74	182
Grand Total	178	152	162	188	283	517	474	1954

Of the 1954 incidents over the period, 909 have been given the "alcohol involved" incident marker (47%).

3.0 Crime

Over the period 1 January 2010 to 31 January 2013 there were 452 incidents (18:00 to 04:00) within the area under review that went on to receive an external crime number.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%

3.1 – Additional police powers (dispersal notices)

In 2010 additional powers were introduced to allow the police to exclude persons from a specific area for up to 48hrs as a result of alcohol related disorder. These are commonly known as ‘dispersal notices’.

These powers are within S27 of the Violent Crime Reduction Act 2006.

These powers are used ‘dynamically’ by police officers at a time when the incidents have or are occurring and do not always result in crimes or incidents being recorded.

In 2011 in total 376 notices were issued by officers in or near the Blueschool Street area of the city centre. These notices were issued between the hours of 1800hrs and 0400hrs.

In 2012 in total 294 notices were issued by officers in or near the Blueschool Street area of the city centre. These notices were issued between the hours of 1800hrs and 0400hrs.

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application by Play Night Club, Blueschool Street, Hereford to vary the conditions of their licence. The application applies to extend the operating hours on a number of occasions until 4 am and also to include adult entertainment.

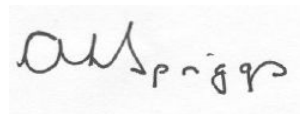
The Licensing Authority also have had sight of the representation made by West Mercia Police and fully support that representation.

It is then view of the Licensing Authority that the application to extend the hours until 4 am on any day should be **refused**. The Licensing Authority however does not object to what is considered the standard New Years Eve opening times being granted and that being from the end of permitted hours on New Years Eve until the start of permitted hours on New Years day.

Furthermore there is no objection to the provision of adult entertainment providing that there is no full nudity.

The premises are located within Herefordshire Council's Cumulative Impact Zone which was introduced due to the high levels of crime and disorder associated with the area. The applicant has failed to offer any further conditions or measures which would reduce the impact on the area if this application was granted.

The Police share information with the Licensing Authority on a weekly basis and on most occasions incidents occur either within or outside Play, mostly on Saturday nights. Whilst this is one of the biggest venues in Herford any increase in incidents would be unacceptable. Furthermore it has been noted that customers from Play regularly spill over into Blue School Street at closing time and obstruct the traffic and put themselves at risk of personal injury. If the hours were to be extended it is reasonable to assume that the number of incidents associated with the premises will increase pro-rata. The police are best placed to provide more detailed data.



Fred Spriggs
Licensing Officer

EH & TS / LICENSING SECTION
RECEIVED
 01 MAR 2013
 TO:

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.

I/We **B&R Leisure**

(Insert name(s) of applicant)

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 PR 00 565

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Play Nightclub 51-55 Blueschool Street, Hereford			
Post town	Hereford	Postcode	HR1 2AR

Telephone number at premises (if any)	01432 270009
Non-domestic rateable value of premises	£51,500

Part 2 – Applicant details

Daytime contact telephone number	01432 270009		
E-mail address (optional)	playnightclub@aol.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

Nightclub for music and dancing, extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.

Inclusion of Review shows.

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:

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.

Provision of regulated entertainment

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Music videos played on the large projection screens inside the venue		
Mon	1830	0300			
Tue	1830	0300	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	1830	0300	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) To be brought into line with opening and closing times, tidy up of opening hours.		
Thur	1830	0300	Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.		
Fri	1830	0300			
Sat	1830	0300			
Sun	1830	0330			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> Music played by DJs					
Mon	1830	0300						
Tue	1830	0300						
Wed	1830	0300				<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u> Live performance of music within the venue.		
Thur	1830	0300						
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.					
Fri	1830	0300						
Sat	1830	0300						
Sun	1830	0300						

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1830	0300	<u>Please give further details here (please read guidance note 3)</u> Recorded music played by DJs.		
Tue	1830	0300			
Wed	1830	0300	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur	1830	0300			
Fri	1830	0300	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat	1830	0300	Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.		
Sun	1830	0300			

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1830	0300	<u>Please give further details here</u> (please read guidance note 3) Dance by performers and customers within the building.		
Tue	1830	0300			
Wed	1830	0300	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	1830	0300			
Fri	1830	0300	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	1830	0300		Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.	
Sun	1830	0300	Performance of dance in the form of review show.		

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon	1830	0300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1830	0300	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	1830	0300			
Thur	1830	0300	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri	1830	0300			
Sat	1830	0300	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun	1830	0300	<p>Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.</p>		

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Food area within play.		
Mon	1830	0300			
Tue	1830	0300	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	1830	0300			
Thur	1830	0300	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	1830	0300			
Sat	1830	0300	Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.		
Sun	1830	0300			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1830	0300			
Tue	1830	0300			
Wed	1830	0300			
Thur	1830	0300			
Fri	1830	0300			
Sat	1830	0300			
Sun	1830	0300			

K

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).

Review shows may be operated however there will be no exposure of genitals.

On these sessions the events will be strictly over 18s with challenge 21 in operation. Driving licence, passport or a PASS card accepted as proof of age when challenged.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1830	0330	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Extension of hours for the following nights NYE, Boxing night, the night known as Easter Thursday, the night known as A Level Thursday and the Sunday before a Bank Holiday with liquor until 4am with customers leaving the building at 0430.
Tue	1830	0330	
Wed	1830	0330	
Thur	1830	0330	
Fri	1830	0330	
Sat	1830	0330	
Sun	1830	0330	

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.

NONE

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

Original handed back to F Spriggs, copies enclosed.

M

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 and e) (please read guidance note 9)

Working with local Pubwatch scheme

b) The prevention of crime and disorder

Known trouble makers kept out of premises

c) Public safety

Bottles of water issued to customers who may have become too intoxicated and cared for where possible.

d) The prevention of public nuisance

Customers reminded with signage on the exit of the building to leave the venue quietly.
Doorstaff to engage with customers where possible when leaving to ensure the mood is correct.
Doorstaff made aware by way of a book with pictures of known trouble makers to exclude from the venue.

e) The protection of children from harm

Challenge 21 policy in place for door staff.
Bar staff trained on policy and reminded nightly of their licensing responsibilities.

Checklist:

Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	[REDACTED]
Date	26-2-2013.
Capacity	

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	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



