

# AGENDA

## Regulatory Sub Committee

Date: **Wednesday 30 July 2014**

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Time: **10.00 am**

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

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

For any further information please contact:

**Gemma Dean, Governance Services**

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Email: [gdean@herefordshire.gov.uk](mailto:gdean@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Gemma Dean, Governance Services on 01432 260088 or e-mail [gdean@herefordshire.gov.uk](mailto:gdean@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Sub Committee

## Membership

Councillor JW Hope MBE  
Councillor Brig P Jones CBE  
Councillor SM Michael

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b>	
To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b>	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>4. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the agenda.	
<b>5. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF SFS OFF LICENCE SHOP, 60 COMMERCIAL ROAD, HEREFORD, HR1 2BP - LICENSING ACT 2003</b>	9 - 56
To consider an application for the grant of a premises licence in respect of SFS Off Licence Shop, 60 Commercial Road, Hereford, HR1 2BP.	



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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

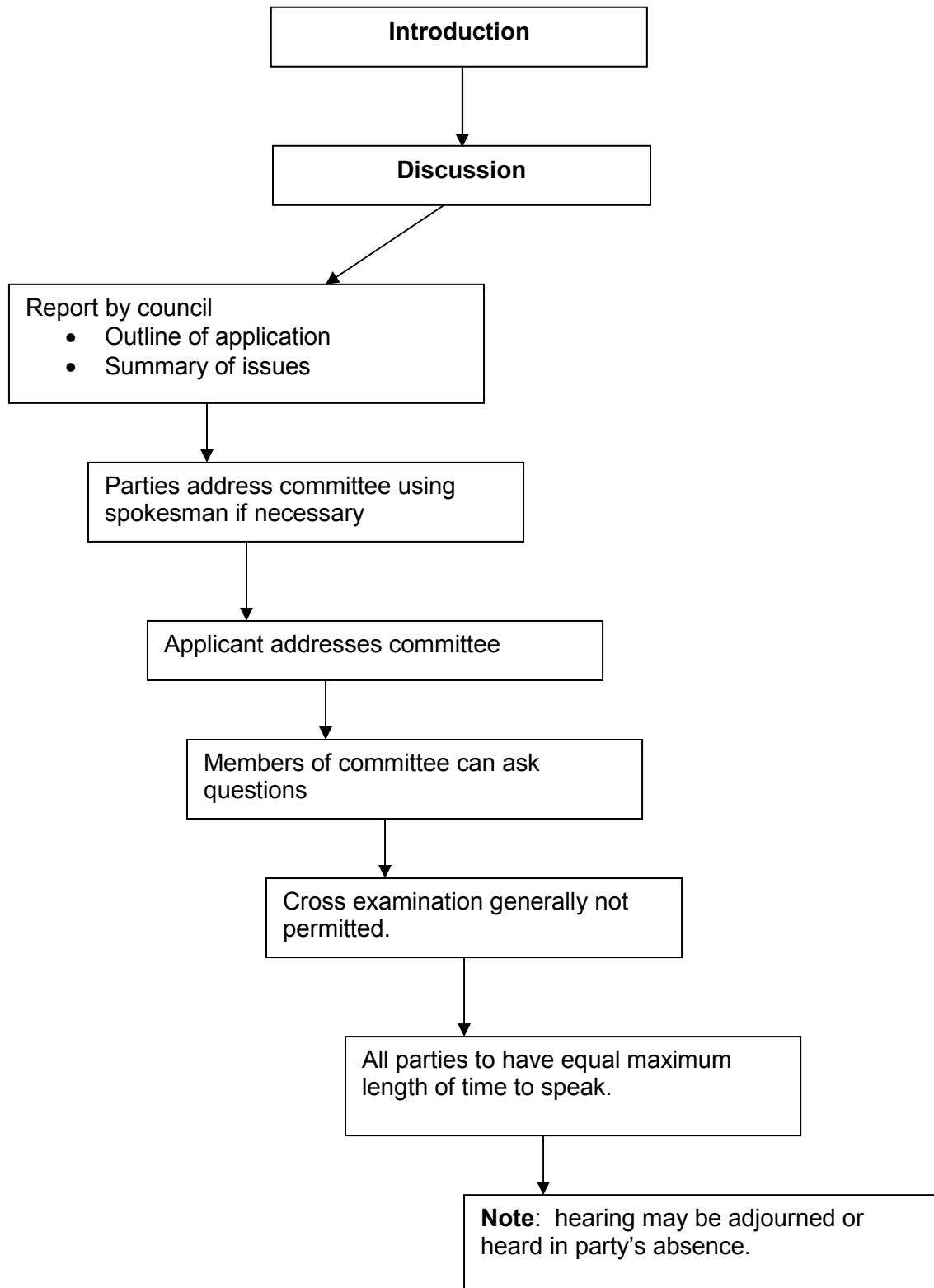
You should vacate the building in an orderly manner through the nearest available fire exit.

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

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

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

## Licensing Hearing Flowchart







<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>30 JULY 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF SFS OFF LICENCE SHOP, 60 COMMERCIAL ROAD, HEREFORD, HR1 2BP – LICENSING ACT 2003</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision

### 3. Wards Affected

Hereford Central

### 4. Purpose

To consider an application for the grant of a premises licence in respect of SFS Off Licence Shop, 60 Commercial Road, Hereford, HR1 2BP.

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

## 6. Key Points Summary

- The application requests the granting a new premises licence for a fast food takeaway within the area covered by the Herefordshire Council Special Policy (the Cumulative Impact Policy)
- The premises currently has a premises licence but only as an Off Licence and is licensed no later than 2300 hours
- The police have made representation in respect of the application
- The Licensing Authority have objected to the application.

## 7. Options

There are a number of options open to the Sub-Committee:

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

## 8. Reasons for Recommendations

To ensure compliance with the legislation.

## 9. Introduction and Background

### Background Information

Applicant	<b>Varinderjit Singh</b> <b>60 Commercial Road, Hereford, HR1 2BP</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>New</b>	Date received: <b>13<sup>th</sup> June 2014</b>	28 Days consultation <b>10<sup>th</sup> July 2014</b>

## 10. Licence Application

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

## 11. Summary of Application

The application requests that:

Late Night Refreshment	23:00 – 00:30	Monday – Wednesday
(Both on and off the premises)	23:00 – 01:30	Thursday - Sunday

Non Standard Timings: On Sunday before a bank holiday, New Years Eve and Christmas Eve until 4 am

## 12. Summary of Representations

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

Representations have been made by:

**Two (2)** of the Responsible Authorities (**Police** who have **objected** in part and the Licensing Authority who have objected in full)

## 13. Current Licence

The current licence (appendix b) authorises:

Sale by retail of alcohol (For consumption off the premises)

Monday-Saturday	08.00 - 23.00
Sunday	10.00 - 22.30
Good Friday	08.00 - 22.30
Christmas Day	12.00 - 15.00 19.00 - 22.30

Non standard timings: None

Seasonal variations: None

## 14. Key Considerations

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

## 15. Equality and Human Rights

No implications have been identified.

## 16. Financial Implications

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

## **17. Community Impact**

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

## **18. Legal Implications**

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.

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

In this case it was summed up that: -

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.

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.

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.

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.

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.

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'.

The matter was further appealed to the High Court by way of case stated.

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?'

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”.

## 19. Right of Appeal

Schedule 5 gives a right of appeal which states:

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).

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.

## 20. Consultees

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

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.

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.

The applicant has produced a copy of the advertisement which is correct.

## **21. Risk Management**

No risk identified

## **22. Appendices**

- a. Application Form
- b. Current Licence
- c. Police Representation
- d. Local Authority Representation
- e. Correspondence between applicant and police

## **23. 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.**

## **Background Information**

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

### **ANNEX 1**

#### **SPECIAL CUMULATIVE IMPACT POLICY**

**A1** The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise and disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

**A2** The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including Taxi Ranks
- Alcohol Disorder Zones
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces

**A3** Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.

**A4** The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter for a licensing authority to consider in developing its Statement of Licensing Policy.

**A5** In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

**A6** In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

**A7** As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:



- The full length of Commercial Road from its junction with Blueschool Street to its junction with Aylestone Hill.
- 100 metres of Blueschool Street, West from its junction with Commercial Road.
- 50 metres of Bath Street, East from its junction with Commercial Square.
- 50 metres of Commercial Street, South from its junction with Commercial Square.
- 50 metres of Union Street, South from its junction with Commercial Square.

**A8** A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

**A9** Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

**A10** The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:  
New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises

Licences or Club Premises Certificates

2. Where the police have issued an objection notice in respect of a Temporary Event Notice

**A11** However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

**A12** The special policy will apply to all the licensable activities of:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment

<b>All Violent Crimes Recorded 2009/10 - Public Place ONLY, by Weekday – Commercial Road Area</b>				
<b>All Offence Groups, Public Place Only</b>				
	<b>Alcohol Involved?</b>		<b>Grand Total</b>	<b>% Alcohol Related</b>
	<b>N</b>	<b>Y</b>		
<b>Monday</b>	<b>39</b>	<b>20</b>	<b>59</b>	<b>33.9%</b>
<b>Tuesday</b>	<b>43</b>	<b>24</b>	<b>67</b>	<b>35.8%</b>
<b>Wednesday</b>	<b>56</b>	<b>28</b>	<b>84</b>	<b>33.3%</b>
<b>Thursday</b>	<b>32</b>	<b>28</b>	<b>60</b>	<b>46.7%</b>
<b>Friday</b>	<b>55</b>	<b>56</b>	<b>111</b>	<b>50.5%</b>
<b>Saturday</b>	<b>47</b>	<b>98</b>	<b>145</b>	<b>67.6%</b>
<b>Sunday</b>	<b>33</b>	<b>79</b>	<b>112</b>	<b>70.5%</b>
<b>Grand Total</b>	<b>305</b>	<b>333</b>	<b>638</b>	<b>52.2%</b>

## **Extracts for the Section 182 Guidance:**

### **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.

PR01645

[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 VARINDERJIT SINGH  
(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 SFS OFF LICENCE SHOP 60-COMMERCIAL ROAD HEREFORD			
Post town	HEREFORD	Postcode	HR1 2BP

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£

**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 <b>SINGH</b>			First names <b>VARINDERJIT</b>		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number		[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)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town			Postcode		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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)  
 Indian, English and Italian etc. food provider predominately takeaway hot and cold food with seating /dining for maximum 30covers.

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

NA
----

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)

60-COMMERCIAL ROAD, HEREFORD, HR1 2BP



**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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur								
Fri								
Sat						<b><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></b> (please read guidance note 5)		
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

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

**E**

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

**F**

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

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	23:00	00.30			
Tue	23:00	00.30			
Wed	23:00	00.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	01.30			
Fri	23:00	01:30	<b>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</b> (please read guidance note 5)  On Sunday before a Bank holiday Monday, on New year eve and Christmas Eve until 04:00.		
Sat	23:00	01;30			
Sun	23:00	01:30			

60 - COMMERCIAL ROAD, HEREFORD, HR1 2BP

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>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</b> (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	<p style="text-align: center;"><i>See overleaf.</i></p>
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	

**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)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	00:30	<p><b><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></b> (please read guidance note 5)</p> <p>On Sunday before a Bank holiday Monday, on New year eve and Christmas Eve until 04:00.</p>
Tue	11:00	00:30	
Wed	11:00	00:30	
Thur	11:00	01:30	
Fri	11:00	01:30	
Sat	11:00	01:30	
Sun	11:00	01:30	

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**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, c, d, e

**b) The prevention of crime and disorder**

1. CCTV will be provided in the form of a recordable system, capable of providing picture of evidential quality in all conditions particularly facial recognition.

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

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

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

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

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

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the police on contact number 03003333000 immediately.

2. An incident log must be kept at the premises and made immediately available on request to an authorised person (as defined by section 13 of the licensing Act 2003) or the police, which must record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system or searching equipment or scanning equipment
- Any visit by a relevant authority or emergency service.

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**c) Public safety**

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

**2. First aid**

A HSE complaint industrial high response first aid kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1x guideline leaflet
- 60x wash proof plasters
- 6x eye pads with bandage
- 8x triangle bandages

**3. Electrical & Gas Installations**

All electrical wiring and distribution system shall be tested at least once a year and signed off by a competent person whose name is shown within the local Authority Building control Part P Competent Persons Register. ([Http://www.competentperson.co.uk/search.asp](http://www.competentperson.co.uk/search.asp)). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the licensing Act 2003) or police on demand.

4. Any and all gas appliances (except caller gas) used in the Premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or Police on demand.

**d) The prevention of public nuisance**

1. Noise or vibrate shall not emanate from the premises so as cause a nuisance.

2. Prominent, clear and legible signage (in not less than 32 font bold) 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**

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

--

**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	<i>owner</i>	

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

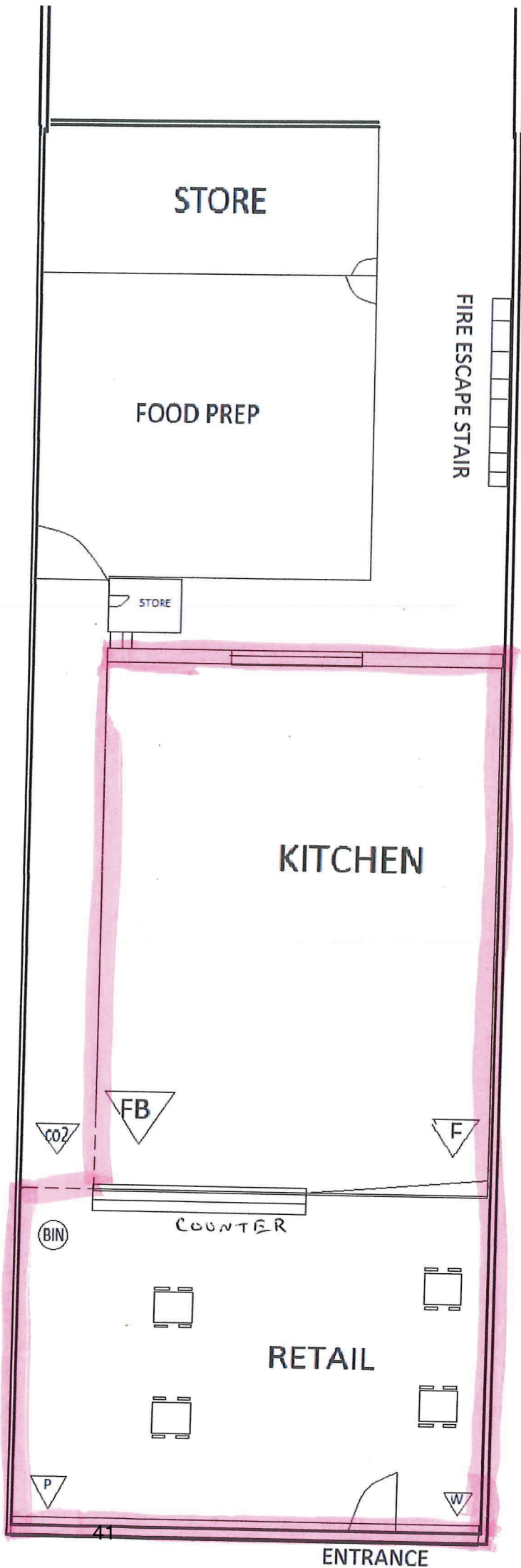
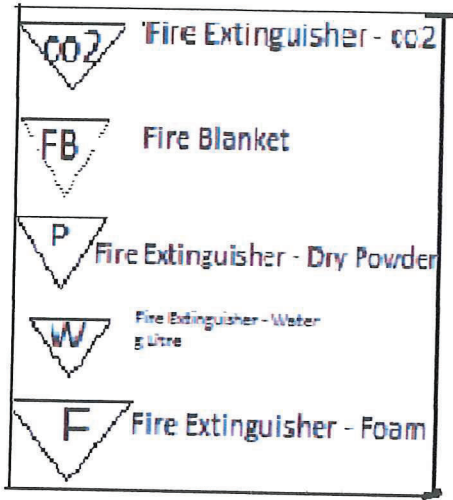
Signature	
Date	
Capacity	

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.





LICENSABLE ACTIVITY

60-COMMERCIALROAD  
 HRI 2BP





**Environment & Culture**

Michael Haigne

**Mr Varinderjit Singh  
60 COMMERCIAL ROAD  
HEREFORD  
HR1 2BP**

Your Ref: PR00420  
Our Ref: Licensing assistant  
Please ask for: 01432 260105  
Direct Line/Extension: 01432 383142  
Fax: 01432 383142  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

22 July 2014

Dear Sir/Madam

**LICENSING ACT 2003 - APPLICATION FOR CHANGE OF NAME  
LICENCE NUMBER - PR00420  
60 COMMERCIAL ROAD, HEREFORD**

Please find enclosed, your Premises Licence and Conditions for the above premises.

You should read the terms and conditions of your licence thoroughly and ensure that you comply with them at all times. The summary must be displayed prominently at the premises and the holder of the premises licence must keep the licence or a certified copy of the licence at the premises. The holder of the premises licence may nominate in writing a person working at the premises to be the holder of the licence, this written nomination must also be displayed with the licence summary in a prominent position on the premises.

You are advised that Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

As the premises to which the enclosed licence relates is authorised to supply alcohol,

It is also an offence under section 140 of the above Act to allow disorderly conduct on licensed premises, which on summary conviction carries a fine of up to (level 3) £1,000.

You should also be aware of the following offences under the Licensing Act 2003:

Section of the Act	Summary of the Offence	Maximum fine (on summary conviction)
141	Sale of alcohol to a person who is drunk	£1000 (level 3)
142	Obtaining alcohol for a person who is drunk	£1000 (level 3)
143	Failure to leave licensed premises etc.	£200 (level 1)
144	Keeping of smuggled goods	£1000 (level 3)
145	Unaccompanied children prohibited from certain premises	£1000 (level 3)
146	Sale of alcohol to children	£5000 (level 5)
147	Allowing the sale of alcohol to children	£5000 (level 5)
148	Sale of liquor confectionery to children under 16	£500 (level 2)
149	Purchase of alcohol by or on behalf of children	The individual £1000 (level 3) The provider £5000 (level 5)
150	Consumption of alcohol by children	The individual £1000 (level 3) The provider £5000 (level 5)
151	Delivering alcohol to children	£5000 (level 5)
152	Sending a child to obtain alcohol	£5000 (level 5)
153	Prohibition of unsupervised sales by children	£200 (level 1)

If, having read the terms and conditions of your licence, you are in any doubt as to their meaning or how you should be complying with them, you should contact me on the telephone number at the head of this letter for further advice.

Yours Sincerely



**MARC WILLIMONT**  
**ACTING REGULATORY SERVICES MANAGER**  
**LICENSING SECTION**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**



**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number PR00420**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>SFS 60 COMMERCIAL ROAD</b>	
Post town <b>HEREFORD</b>	Postcode <b>HR1 2BP</b>
Telephone number <b>07861 743993</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>1. Sale by retail of alcohol</b>
--

The times the licence authorises the carrying out of licensable activities	
<b>Monday-Saturday</b>	<b>08.00 - 23.00</b>
<b>Sunday</b>	<b>10.00 - 22.30</b>
<b>Good Friday</b>	<b>08.00 - 22.30</b>
<b>Christmas Day</b>	<b>12.00 - 15.00    19.00 - 22.30</b>

The opening hours of the premises <b>Not applicable</b>
--

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>Off the premises</b>
---

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Varinderjit Singh**  
**60 COMMERCIAL ROAD**  
**HEREFORD**  
**HR1 2BP**  
**Telephone: 07861 743993**

Registered number of holder, for example company number, charity number (where applicable)

**Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Varinderjit Singh**  
**60 COMMERCIAL ROAD**  
**HEREFORD**  
**HR1 2BP**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: 4550/2**  
**Issuing authority: Birmingham City Council**

## Annex 1 - Mandatory conditions

### 19 Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.



## **Annex 2 - Conditions consistent with the operating Schedule**

### **Limitations on operating hours**

Justices off-licence

Mon-Sat 08.00am-23.00pm

Sun 10.00am-22.30pm

Good Friday 08.00am-22.30pm

Christmas Day 12.00pm-15.00pm 19.00pm-22.30pm

### **Licensing conditions**

General:

**Any sale of alcohol shall be for consumption off the premises only.  
No person under the age of 18 years shall be allowed to sell.**

Prevention of Crime: Not applicable

Public Safety: Not applicable

Prevention of Public Nuisance: Not applicable

Protection of Children: Not applicable

### **Licensing conditions to be removed**

Not applicable

### **Licensing objectives**

General: Not applicable

Prevention of Crime: Not applicable

Public Safety: Not applicable

Prevention of Public Nuisance: Not applicable

Protection of Children: Not applicable



**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

**Annex 4 - Plans**

As attached





**LICENSING ACT 2003**  
**Part B - Premises licence summary**

**Premises licence number PR00420**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>SFS</b> <b>60 COMMERCIAL ROAD</b>	
Post town <b>HEREFORD</b>	Post code <b>HR1 2BP</b>
Telephone number <b>07861 743993</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>1. Sale by retail of alcohol</b>
--

The times the licence authorises the carrying out of licensable activities	
<b>Monday-Saturday</b>	<b>08.00 - 23.00</b>
<b>Sunday</b>	<b>10.00 - 22.30</b>
<b>Good Friday</b>	<b>08.00 - 22.30</b>
<b>Christmas Day</b>	<b>12.00 - 15.00    19.00 - 22.30</b>

The opening hours of the premises <b>Not applicable</b>
--

Name, (registered) address of holder of premises licence <b>Off the premises</b>
---

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>Varinderjit Singh</b> <b>60 COMMERCIAL ROAD</b> <b>HEREFORD</b> <b>HR1 2BP</b> <b>Telephone: 07861 743993</b>
--

Registered number of holder, for example company number, charity number (where applicable) <b>Not applicable</b>
---



Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Varinderjit Singh**

State whether access to the premises by children is restricted or prohibited

**Protection of Children: Not applicable**

**Protection of Children: Not applicable**

**From:** Mooney,James [james.mooney@westmercia.pnn.police.uk]

**Sent:** 10 July 2014 09:10

**To:** Licensing

**Cc:** Semper,Nick

**Subject:** 60 Commercial Road, Hereford - new premises application

**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of an application for a premises licence for a venue to be known as '**60 Commercial Road, Hereford**'. The application is for the licensable activity of late night refreshment.

The location of this venue is within an area subject to the cumulative impact policy contained in the licensing policy for Herefordshire Council. The venue is located in between licensed premises and is close to other venues that are licensed as per the Licensing Act 2003. This venue is currently licensed for the supply of alcohol - it is an off licence. It is understood that the applicant will surrender this licence prior to the issuing of any new premises licence.

West Mercia Police do not object to this application. The applicant has made limited submissions to promote the licensing objectives and as such West Mercia Police could have objected on the grounds that they have failed to show why this application should be an exception to the council policy and the fact that the applicant has failed to show positive steps how they will promote the licensing objectives.

Therefore West Mercia Police have the following representations to promote the licensing objectives. It is our view that they are proportionate, achievable and enforceable.

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

Cameras shall encompass all ingress and egress to the premises.

Equipment **MUST** be maintained in good working order, be correctly time and date stamped, recordings **MUST** be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

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

2. The Premises Licence Holder will employ Security Industry Authority registered Door Supervisors at times when assessments dictate door supervision to be necessary.

3. Where necessary (when door supervisors are provided), the Premises Licence Holder shall maintain a register of Door Supervisors which will be kept on the premises showing the names and addresses of the Door Supervisors, their numbers and shall be signed by the Door Supervisors as they commence and conclude duty. The register shall be available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) police or an authority Officer of the SIA.

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

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

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

6. Adequate refuse (litter) containers shall be located in the premises. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all entrances to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.

7. The Premises Licence holder will ensure that the area immediately outside the premises is regularly checked during operating hours and that any litter found is disposed of appropriately

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

9. The Premises Licence Holder and staff will not permit alcohol to be consumed on the premises.

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

Regards

Jim Mooney (one behalf of Insp 0795 Semper)  
Licensing and Harm Reduction Coordinator  
Policing Unit - Herefordshire  
West Mercia Police  
DDI 01432 347102  
Switchboard '101' x 4702  
james.mooney@westmercia.pnn.police.uk

**Think...Confidence and Satisfaction: making the difference**

**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 60 COMMERCIAL ROAD, HEREFORD. HR1 2BP.

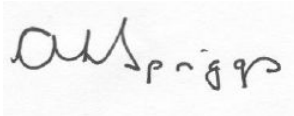
The application requests the licencing of a fast food premises after 11 pm at night.

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

The premises is within the heart of the area covered by Herefordshire Councils' 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. This area has been identified by the police as being under stress in relation to crime and disorder.

Whilst the premises are currently licensed, they are only licensed as on off licence until 2300 hours. Due to the current terminal hour the premises has little impact within the area.

The proposed change of use from an off licence closing at 11 pm to a fast food take-away to close at 0130 hours will further add to the impact within the area. Whilst the applicant has offered certain conditions none of these conditions are likely to reduce the impact of the premises being open, therefore the application should be refused.



**Fred Spriggs**  
**Licensing Officer**



Hello Mr Jim moony

Dated: 12/07/2014

As I talk to you about off licence ,I will surrender the off licence ,if the councils sure me that hot food licence (restaurant ,late night refreshment licence) is granted and after that I have clear the off licence stock of shop and hot food equipment and fittings it will take two to three months. After that I promise you that before starting restaurant i will surrender off licence to council.

As per the minimum requirement I am agree with you and full fill the following necessary requirements.

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

Cameras shall encompass all ingress and egress to the premises.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

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

2. When or if necessary situations I shall maintain a register of Door Supervisors which will be kept on the premises showing the names and addresses of the Door Supervisors, their badge numbers and shall be signed by the Door Supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorized person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authority Officer of the SIA.

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

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system
- (g) Any visit by a relevant authority or emergency service

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

5. Adequate refuge (litter) containers shall be located in the premises. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.

6. I ensure that the area immediately outside the premises is regularly checked for litter during operating hours and that any litter found is disposed of appropriately
7. All staff shall wear clothing which identifies them as members of staff of the premises.
  
8. The Premises License Holder and staff will not  
Permit alcohol to be consumed on the premises.

I assure you that i will follow the licensing objectives .When start restaurant (hot and cold food shop)

With Regards

Varinderjit Singh

60, commercial road

Hereford

HR1 2BP