

AGENDA

Regulatory Sub Committee

Date: **Monday 13 April 2015**

Time: **11.00 am**

Place: **Committee Room 1, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: clive.lloyd@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail clive.lloyd@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor JM Bartlett
Councillor JW Hope MBE
Councillor A Seldon**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of members nominated to attend the meeting in place of a member of the sub-committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by members in respect of items on the agenda.	
5. REVIEW OF A PREMISES LICENCE IN RESPECT OF MAMMA JAMMAS, 15A WEST STREET, HEREFORD, HR4 0BX - LICENSING ACT 2003 To consider an application for Review of a Premises Licence in respect of Mamma Jammass, 15a West Street, Hereford, HR4 0BX.	9 - 34

The public's rights to information and attendance at meetings

You have a right to: -

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

Public transport links

The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

Recording of this meeting

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Fire and emergency evacuation procedure

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

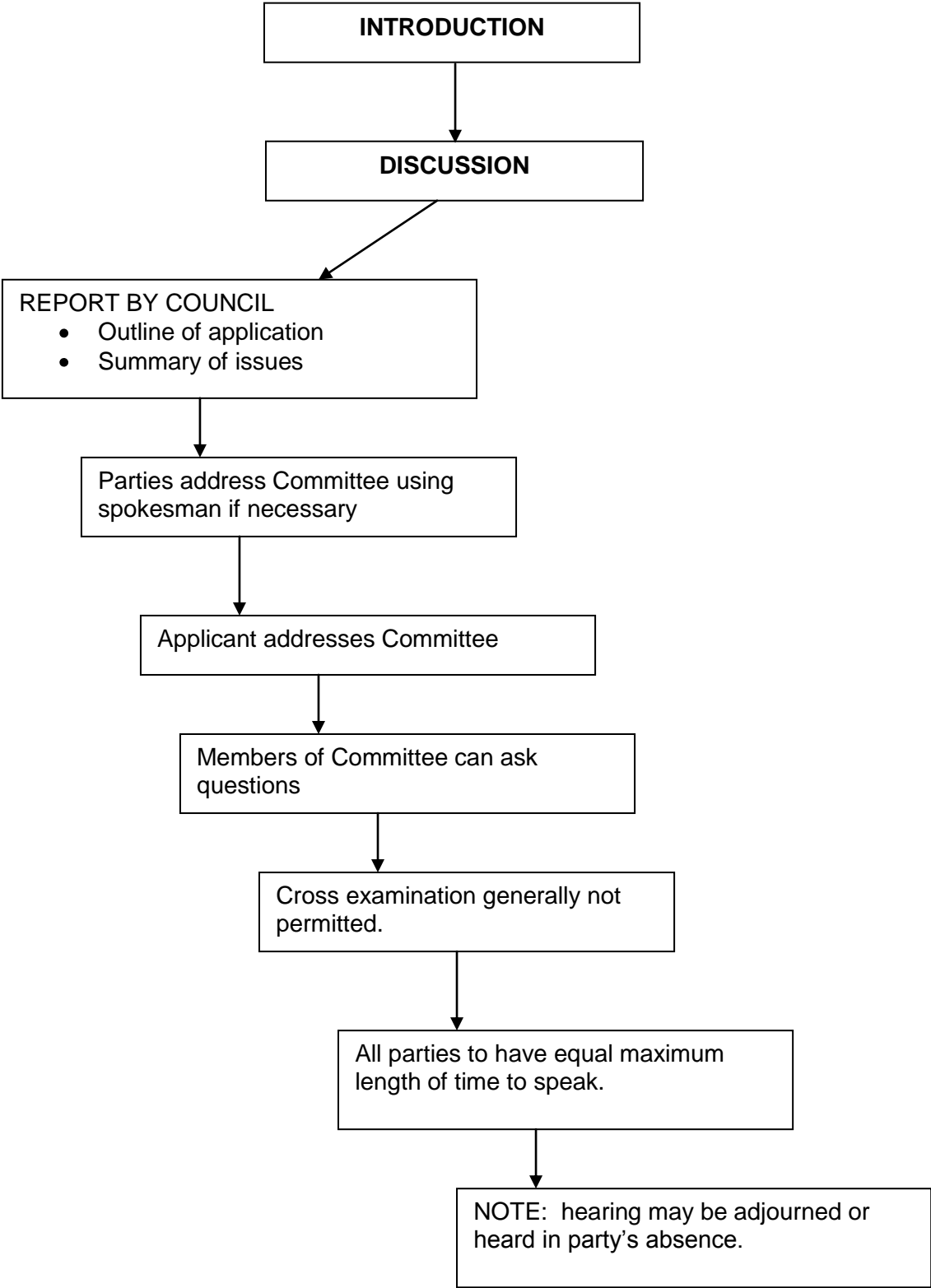
You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

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.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

LICENCING HEARING FLOW CHART





Meeting:	Regulatory Sub-Committee
Meeting date:	13 April 2015
Title of report:	Review of a Premises Licence in respect of: Mamma Jammass, 15a West Street, Hereford, HR4 0BX - Licensing Act 2003
Report by:	Licensing Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for Review of a Premises Licence in respect of Mamma Jammass, 15a West Street, Hereford, HR4 0BX.

Recommendation

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 Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.
- The Police's review application.
- Any other evidence produced in relation to the review.

Options

1. There are a number of options open to the Sub-Committee:
 - the modification of the conditions of the premises licence;
 - to exclude a licensable activity from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months;
 - the revocation of the licence;
 - take no action

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3.

Applicant	West Mercia Constabulary	
	Represented by:- Inspector Semper	
Premise Licence Holder	Mr Jonathan George Charles Jones 15 Stanhope Street, Hereford, HR4 0HA	
Solicitor	N/K	
Type of application: Review	Date received: 16/2/2015	End of 28 day period 16/03/2015

4. The grounds for the review given are:

'History of crime and disorder that undermines the licensing objective of the prevention of crime and disorder.'

5. The supporting evidence including a table of incidents can be found within the Review Application contained within the appendices.

6. **Current Licence**

The current licence authorises the following licensable activities during the hours shown:-

Live Music	Monday – Sunday from 17:00 until 23:30
Recorded Music; Facility for Making Music; Facility for Dancing;	
	Sunday – Thursday from 17:00 until 01:30
	Friday – Saturday from 17:00 until 04:00
Supply/Sale of Alcohol	Sunday – Thursday from 17:00 until 01:30
	Friday – Saturday from 17:00 until 04:00

7. The licensing authority has not received any representation from any responsible authorities or from the public in relation to the application.
8. Since the review has been submitted the Premises Licence Holder has made application for a minor variation to vary the premises licence to include a last entry time, staff training and door staff.
9. A copy of the minor variation is attached as an appendix.
10. The minor variation as applied for has been refused by the Licensing Authority as it fails to fully promote the licensing objectives.
11. The matter is brought before committee for determination.

Community Impact

12. Any decision is unlikely to have any significant effect of the local community.

Equality duty

13. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

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

Risk Management

18. There is little risk associated with the decision at this time as the legislation allows an appeal to the Magistrates Court.

Consultees

19. Copies of the application have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the Licensing Authority and details have been shown on the council website.

Appendices

- a. Application for the review
- b. Application for a minor variation

Background Papers

None.



West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

TO
LICENSING SECTION
RECEIVED

18 FEB 2015

**Application for the Review of a Premise Licence or Club
Premise Certificate under the Licensing Act 2003**

*Delete as appropriate

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 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, the Chief Officer of West Mercia Police, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 Premise or Club Premise details

Mamma Jammias

Postal address of Premise/Club Premise (if none, Ordnance Survey map location or description)

15a West Street

Post Town Hereford

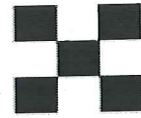
Post Code HR4 0BX

Name of Premise Licence Holder or Club holding Club Premises Certificate (if known)

Jonathan George Charles JONES

Number of Premise Licence or Club Premise Certificate (if known)

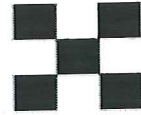
PR01437



Part 2 – Applicant Details	
I am: -	Tick for YES
1. An Interested Party (please complete (A) or (B) below	
a) A person living in the vicinity of the Premise	
b) A body representing persons living in the vicinity of the premise	
c) A person involved in business in the vicinity of the premise	
d) A body representing persons involved in business in the vicinity of the premise	
2. A Responsible Authority (please complete C below)	X
3. A member of a Club to which this Application Relates	
A) Details of Individual Applicant	
Please tick	
Mr. <input type="checkbox"/>	Mrs. <input type="checkbox"/>
Miss <input type="checkbox"/>	Ms. <input type="checkbox"/>
	Other <input type="checkbox"/>
First Name(s)	
Surname	
I am over 18 years of age	Yes/No (delete as applicable)
Current Postal Address	
	Post Town Post Code
Daytime Telephone No.	
E-mail address	



West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

(B) Details of Other Applicants

Name & Address

Telephone Number

E-mail address

(C) Details of Responsible Authority Applicants

Name & Address
Police Inspector 0795 SEMPER
Hereford Police Station
Bath Street
Hereford. HR1 2HT

Telephone Number 01432 347102

E-mail address licensing.herefordshire@westmercia.pnn.police.uk

This Application to Review Relates to the following Licensing Objective(s): -

Please tick one or more boxes

1. The prevention of crime and disorder	X
2. Public Safety	
3. Prevention of Public Nuisance	
4. Protection of Children from Harm	



West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

Please state the Grounds for Review

(Guidance Note 1 applies)

History of crime and disorder that undermines the licensing objective of the prevention of crime and disorder

Please provide as much Information as possible to support the Application

(Guidance Note 2 applies)

This venue is a small night club, located away from the main hub of activity with regards to late night venues in the city centre of Hereford.

It is the only venue in the city centre that is licensed for licensable activities until 0400hrs – albeit this only applies to Friday and Saturday nights.

It is reasonable to say that as a result of this later hour, it does attract customers who do leave other locations so they can go to the venue for a 'later drink'.

Over the last 12 months there have been a number of issues connected to the venue that in the view of the police have undermined the licensing objectives – in particular that of the prevention of crime and disorder.

Between 31/01/2014 to 0210/02/2015, there have been a total of 41 incidents recorded in police systems connected to this venue.

In addition West Mercia Police have recorded an additional 39 incidents between the beginning of 2012 to the end of 2013.

It is important to note that the venue was granted extended hours to 0400hrs in May 2012.

On 02 May 2014, a meeting took with the premises licence holder - Jonathan Jones - as the view of the police that at that time – was that the level of incidents occurring in or near the venue was of concern and implied the undermining of the licensing objectives.

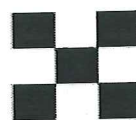


A schedule of incidents recorded by the police between is detailed below

	DATE	TIME	DETAIL	LICENSING OBJ.
1	08/02/15	0153hrs	Call by venue via CCTV Male being aggressive with door staff – one arrest	Crime & disorder
2	02/02/15	0515hrs	Call by public -Street disorder near to venue – both parties involved had been in the venue prior to the disorder – two arrests	Crime & disorder
2	02/02/15	0420hrs	Call by public Serious assault inside venue – one arrest	Crime & disorder
3	02/02/15	0420hrs	Police investigation Disorder and assault inside the foyer of the venue – one arrest – see incident 02/02/15 – 0515hrs	Crime & disorder
4	10/01/15	0351hrs	Found by police Officers came across 2 males 'squaring up' to each other, males separated and warned	Crime & disorder
5	10/01/15	0120hrs	Call via CCTV Male refused entry due to drunkenness, male became aggressive towards door staff, police called, male seen and warned	Crime & disorder
6	01/01/15	0015hrs	Call via CCTV Drunken male ejected from premises, male became aggressive outside venue causing damage to other property and assaulting a police officer when being arrested – one arrest	Crime & disorder
7	21/12/14	0305hrs	Call by public Male ejected from the venue due to conduct, male then reported that he had been assaulted by another inside the venue. Male seen – facts	Crime & disorder



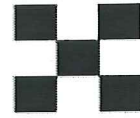
			established – and male warned about conduct	
8	15/11/14	0230hrs	Call by venue via CCTV Male banned from venue refused entry and no refusing to leave area. Male seen by police and issued with a notice to quit area	Crime & disorder
9	09/11/14	0452hrs	Call by public Male at front of venue causing problems – male seen had lost/left his phone inside venue and was being refused re entry. Allowed back in to look for items	Crime & disorder
10	08/11/14	0351hrs	Call by venue via CCTV Male seen at front of venue causing problems with 2 females, male walked away prior to police deployment	Crime & disorder
11	02/11/14	0334hrs	Call by venue via CCTV Sexual assault inside venue – on going investigation	Crime & disorder
12	02/11/14	0150hrs	Call by venue via CCTV Female detained with another's ID	Crime & disorder Protection of children from harm
13	19/10/14	0153hrs	Call by venue via CCTV Assault inside venue – male head-butted	Crime & disorder
14	12/10/14	0253hrs	Call by venue via CCTV Disorder at the front of the venue – male refused to co-operate with officers One arrest	Crime & disorder
15	10/10/14	0138hrs	Call via ambulance service Report of a drunken male collapsed in the street at the front of the venue	Crime & disorder
16	04/10/14	0349hrs	Call by venue via CCTV Staff reporting group squaring up to each other – groups separated prior to	Crime & disorder



			police arrival	
17	28/09/14	0142hrs	Call by venue via CCTV Staff seen restraining a male at the front of the venue –all quiet on police arrival	Crime & disorder
18	27/09/14	0507hrs	Call by public Assault inside the venue – female on female – one party ejected – later reported to the police by the victim – one arrest	Crime & disorder
19	14/09/14	0336hrs	Call by venue via CCTV Disorder and assault inside the venue – one arrest	Crime & disorder
20	06/09/14	0354hrs	Call by CCTV Disorder outside the venue – one male issued with a dispersal notice	Crime & disorder
21	31/08/14	0354hrs	Call by CCTV Disorder at front of venue – number of males – dispersed on police arrival	Crime & disorder
22	24/08/14	0152hrs	Call by CCTV Disorder at front of venue – one arrest	Crime & disorder
23	10/08/14	0416hrs	Call by public Male complaining that he had been assaulted by manager – established male had been lawfully ejected due to conduct	Crime & disorder
24	09/08/14	0112hrs	Call by public Female reporting that she had been assaulted inside the venue – established that staff had ejected 2 females	Crime & disorder
25	09/08/14	0301hrs	Call by venue via CCTV Disorder inside the venue – 6 ejected	Crime & disorder
26	27/07/14	0349hrs	Call by venue via CCTV Indecent assault inside the venue – offender ejected from venue – neither party found to instigate investigation	Crime & disorder



27	06/07/14	0029hrs	Called by venue via CCTV Domestic incident inside the venue resulting in an assault – one arrest	Crime & disorder
28	29/06/14	0344hrs	Called by CCTV Disorder inside venue, male ejected and arrested outside for drunken behaviour – one arrest	Crime & disorder
29	18/05/14	0235hrs	Call by CCTV Male being aggressive with door staff – male removed from area by friends	Crime & disorder
30	05/05/14	0425hrs	Found by police 2 groups found being aggressive towards each other at the front of the venue – groups dispersed	Crime & disorder
31	20/04/14	0245hrs	Call by public Males reporting they had been assaulted by door staff – established lawful ejection	Crime & disorder
32	12/04/14	0312hrs	Call by CCTV Disorder and assault inside the venue, with one party ejected and waiting outside to cause problems – male warned and dispersed	Crime & disorder
33	06/04/14	0307hrs	Call by CCTV Disorder outside venue – all quiet on police arrival	Crime & disorder
34	30/03/14	0245hrs	Call by venue via CCTV Sexual assault inside venue – one arrest	Crime & disorder
35	22/03/14	0359hrs	Call by venue via CCTV Male found in possession of an others property inside venue, assault door staff – one arrest	Crime & disorder
36	15/03/14	0349hrs	Call by venue via CCTV Male ejected from club due to conduct, male then assaulted door staff – one arrest	Crime & disorder
37	09/02/14	0348hrs	Call by venue via CCTV Disorder and homophobic	Crime & disorder



			insults inside venue – one arrest	
38	08/03/14	2225hrs	Found by police Male found in street drunk and urinating against a wall, male arrested – established he come from venue	Crime and disorder
39	25/01/14	0401hrs	Found by police Disorder at the front of the premises – large group dispersed – one arrest	Crime & disorder
40	04/01/14	0333hrs	Call by CCTV Male being aggressive at the front of the venue – removed from area by friends	Crime & disorder
41	01/01/14	0245hrs	Call by CCTV Male being aggressive with staff – removed from the area by friends	Crime & disorder

The following circumstances are relevant to this application –

At about 0420hrs on Sunday 01 February 2015, 2 incidents occurred inside the venue. This would have been at the end of the night when the club was emptying.

The first incident is of a serious nature and is subject to an on-going criminal investigation. It is alleged that a male assaulted another by elbowing him with force in the face causing serious facial injuries including a fractured eye socket.

This matter is recorded on the venues CCTV.

This matter appears not to have been witnessed by door staff, but was brought to their attention seconds later by the victim.

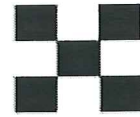
The police were not informed about this matter and was reported to them by the victim's wife 5 hours later.

The second incident occurred in the foyer area of the venue about the same time. This is the main entry/exit and as such is an area that should be kept free from congestion as it is also a fire exit route.

On this occasion a male was talking to another, when a 3rd male interrupted them, this male was then head- butted by one of the males. This happened in front of door staff. The door staff reacted by ejecting the male – who appeared to be the victim – from the venue. Door staff are seen laughing and joking with the other male.



West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

Again this is recorded on the venues CCTV

The police were not called to this incident; however at about 0520hrs concerned members of the public reported a third incident where 2 males were seen fighting in the street near to the club. Police did attend this matter and both were arrested. It was quickly established that both were the same males involved in the incident in the foyer an hour earlier.

The view of the police that both these matters were preventable and were due to the poor management of the venue and in particular the conduct of the door supervisors who failed to act in an appropriate manner by reporting the issues to the police and/or detaining the offenders. This in turn undermines the licensing objectives.

As a result of these 3 incidents, a visit was made to the venue on 02/02/2015 by the police and discussions were held with Mr Jones.

It is reasonable to say that Mr Jones accepts his door staff failed to deal with both matters effectively and that were acting unprofessionally with regards to the second incident

Mr Jones indicated that he is replacing the security company who provide the door team. It is understood this has taken place

Mr Jones does not accept that there is a high level of crime and disorder connected to his premises and that the level that is occurring is proportionate to the size of the venue. It was pointed out to him that a level that is acceptable to the police is zero and that he should be striving to maintain his venue as a safe place.

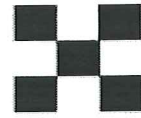
During this visit Mr Jones indicated that he would put in place a voluntary code of 'last entry' to the venue as 0130hrs. However the weekend after this proposal by Mr Jones, the police were informed during a late night visit that in fact the last entry time is 0230hrs.

The view of West Mercia Police is that the level of crime, disorder and nuisance is significant and that the premises licence holder has failed to promote the licensing objectives by putting in place measures to prevent occurrences or to reduce the opportunity for them to happen.

You will see from the schedule a number of the incidents have occurred outside the venue after individuals have been ejected – some were reported to the police by the venue and others were brought to their attention through external CCTV monitoring – again it is the view of the police that early notification would have resulted in the matters being dealt with effectively and potentially reducing further escalation.



West Mercia
POLICE



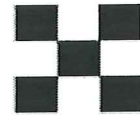
SERVING - PROTECTING - MAKING THE DIFFERENCE

Through discussions with the premises licence holder, West Mercia Police now feel that this matter has to result in a review application.

The police are very concerned with regards to the level of late night disorder that is connected to this venue and in particular the level that is occurring after 0200hrs when it is a known fact that revellers do go to the venue for a later drink after socialising at other venues.



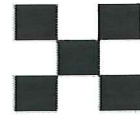
West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

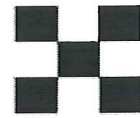


West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

Have you made application to Review this Premise Licence before	No					
If "yes" please state the date of that application	D	D	M	M	Y	Y
<p>If you have made representations before relating to this premise please state what they were and when you made them</p>						
Please tick						
<ul style="list-style-type: none"> ▪ I have sent copies of this form and enclosures to the responsible authorities and the premise licence holder or club holding the club premise certificate, as appropriate 						X
<ul style="list-style-type: none"> ▪ I understand that if I do not comply with the above requirements, my application will be rejected 						X
<p>IT IS AN OFFENCE, LIABLE UPON CONVICTION, TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN , OR IN CONNECTION WITH, THIS APPLICATION</p>						



Part 3 – Signatures (Please see Guidance Note 3)	
Signature of Applicant or Applicant’s Solicitor or other duly authorised person (see Guidance Note 4). If signing on behalf of the applicant please state in what capacity	
Signature	[Redacted Signature]
Date	12 February 2015. [Redacted Date]
Capacity	Police Inspector 0795 Semper
Contact name (where not previously given) and postal address for correspondence associated with this application (Please read Guidance Note 5)	
Hereford Police Station Community Safety – Harm Reduction Office Bath Street	
Post Town - Hereford	Post Code - HR1 2HT
Telephone Number	01432 347102
E-mail address	<u>licensing.herefordshire@westmercia.pnn.police.uk</u>
Notes for Guidance	
<ol style="list-style-type: none"> 1. The Grounds for Review must be based upon one or more of the Licensing Objectives 2. Please list any additional information or information, for example dates of problems, which are included in the grounds for review, if available 3. The Application form MUST be signed 4. An Applicant’s Agent, for example a Solicitor, may sign the form on their behalf provided they actually have the authority to do so. 5. This is the address which we shall use to correspond with you about this application. 	



Herefordshire
Application for a minor variation to a premises or club licence
Licensing Act 2003

For help contact
ethelpline@herefordshire.gov.uk
 Telephone: 01432 261761

* required information

Section 1 of 8

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 8

PREMISES DETAILS

Refer to the [guidance notes](#) while completing this form.

Premises licence number/club premises certificate number

* Name of premises

Premises Location

* Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

Premises Contact Details

E-mail

Telephone number

Other telephone number

Continued from previous page...

* Brief description of premises (See Guidance Note 2)

It is a nightclub on West Street. It is a ground floor building laid out in an "L" shape. The front doors are on West Street, the fire doors are on Aubrey Street

Section 3 of 8

APPLICANT DETAILS

* Are you the premises licence holder/club premises certificate holder?

- Yes No

Are the applicants address and contact details the same as the premises address and contact details given in section 2?

- Yes No

Section 4 of 8

PROPOSED VARIATION

Would you like the variation to take effect from as soon as possible?

- Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes No [See guidance note 3.](#)

Describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives. (See Guidance Note 1) This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent).

Details of proposed variation(s) (See Guidance Note 4)

To add the following conditions to the premises license to further promote the licensing objectives.

1. A last entry time to the venue for new customers being set at 02:00.
2. All staff to be trained to BIIAB level 2 within 3 months of commencing employment. (Where there are existing staff this training shall be completed within 3 months of this condition first appearing on the license)
3. On Fridays and Saturdays 1 SIA Door supervisor to be deployed at the front door or main entrance from 22:00 until termination of licensable activities and a further SIA Door supervisor to be deployed at the front door or main entrance from 0100 until termination of licensable activities.
- 4 On Fridays and Saturdays a minimum of 3 SIA door supervisors to be employed at the premises until 0100 and a minimum of 4 SIA door supervisors to be employed at the premises from 0100 until termination of licensable activities.

Section 5 of 8

OPERATING SCHEDULE

Select those parts of the Operating Schedule which would be subject to change if this application to vary were successful (check all that apply)

Provision of regulated entertainment

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainments

Continued from previous page...

- e. live music
- f. recorded music
- g. performance of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment and alcohol

- i. late night refreshment
- j. sale by retail of alcohol

This can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm.

Section 6 of 8

ADDITIONAL INFORMATION

Are you able to submit the premises licence/club premises certificate (or relevant part)?

- Yes
- No

Are you able to submit a copy of the plan?

- Yes
- No

This is necessary if the proposed variation will affect the layout.

Reasons why you have failed to submit the premises licence/club premises certificate or relevant parts, and a copy of the plan (if the proposed variation will affect the layout)

n/a

Any further information to support your application. You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

The conditions have been agreed with the Police and the licensing department at Hereford Council prior to this application in response to a review of the premises license.

Section 7 of 8

NOTES FOR GUIDANCE

Continued from previous page...

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

Continued from previous page...

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. **Further information:** You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. **Signatures:** The application form must be signed.

7. **Authorised agent:** An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. **2nd Applicant:** Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Section 8 of 8

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £89

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/change-8> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) Next >

