

# AGENDA

## Regulatory Sub Committee

Date: **Monday 22 August 2016**

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Time: **10.00 am**

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

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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](mailto:clive.lloyd@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 Clive Lloyd, Governance Services on 01432 260249 or e-mail [clive.lloyd@herefordshire.gov.uk](mailto:clive.lloyd@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Regulatory Sub Committee**

## **Membership**

**Councillor DW Greenow  
Councillor PJ McCaull  
Councillor MT McEvelly**

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
<b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>3. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: 'LEMORE MANOR, EARDISLEY, HEREFORDSHIRE. HR3 6LR' - LICENSING ACT 2003</b> To consider an application for a new premises licence in respect of Lemore Manor, Eardisley, Herefordshire. HR3 6LR.	9 - 40
<b>4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF 'MUNCHIES, 59 COMMERCIAL ROAD, HEREFORD, HR1 1BP - LICENSING ACT 2003</b> To consider an application for the variation of a premises licence in respect of 'Munchies, 59 Commercial Road, Hereford, HR1 1BP.	41 - 60
<b>5. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF 'COTTERELL STREET STORES, 87 COTTERELL STREET, HEREFORD. HR4 0HJ - LICENSING ACT 2003</b> To consider an application for the variation of a premises licence in respect of 'Cotterell Street Stores, 87 Cotterell Street, Hereford. HR4 0HJ	61 - 88



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## **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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## Licensing Hearing Flowchart









<b>Meeting:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>Meeting date:</b>	<b>22 August 2016</b>
<b>Title of report:</b>	<b>TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: 'LEMORE MANOR, EARDISLEY, HEREFORDSHIRE. HR3 6LR' - LICENSING ACT 2003</b>
<b>Report by:</b>	<b>EMMA BOWELL – LICENSING TECHNICAL OFFICER</b>

### **Classification**

Open

### **Key Decision**

This is not an executive decision.

### **Wards Affected**

Castle (Area Eardisley)

### **Purpose**

To consider an application for a new premises licence in respect of Lemore Manor, Eardisley, Herefordshire. HR3 6LR

### **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 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.

### **Options**

1. 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.
- f) Adjourn the matter, to a set date, if the committee feel that to do so would be in the public interest

## Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### 3. Licence Application

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

- 4. The details of the application are:

Applicant	<b>Fine Manor Events Ltd</b>	
	<b>2 Wyevale Business Park, Kings Acre, Hereford. HR4 7BS</b>	
Solicitor	Heath Thomas, Harrison Clark Rickerbys, 5 Deansway, Worcester. WR1 2JG	
Type of application:	Date received:	28 Days consultation ended
<b>New</b>	<b>28<sup>th</sup> June 2016</b>	<b>26<sup>th</sup> July 2016</b>

### 5. Summary of Application

The application for a new premises licence requests the following licensable activities during the hours shown.

Live Music (indoors/outdoors) Mon – Sun 12:00-24:00

Recorded Music (indoors) Mon – Sun 12:00–24:00

Late Night Refreshment (indoors) Mon – Sun 23:00-24:00

Sale/Supply of Alcohol (consumption on the premises) Mon – Sun 08:00-24:00

Non Standard Timings: None

## 6. **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 (**Trading Standards & West Mercia Police**)  
West Mercia Police representations have been agreed with the applicant.

## **Community Impact**

7. Any decision is unlikely to have any impact on the local community.

## **Equality duty**

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

## **Financial implications**

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

## **Legal Implications**

10. 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.

## **Right of Appeal**

11. Schedule 5 gives a right of appeal which states:

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.

## **Risk Management**

12. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

## **Consultees**

13. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

- a. Application form
- b. Trading standards representation
- c.. West mercia police representation

## **Background Papers**

None.

29.06.16  
26.07.16

PR01731



**Herefordshire**  
**Application for a premises licence**  
**Licensing Act 2003**

EH & TS / LICENSING SECTION RECEIVED 29 JUN 2016	EH & TS / LICENSING SECTION RECEIVED 15 FEB 2016
TO:	TO:

For help contact  
[ethelpline@herefordshire.gov.uk](mailto:ethelpline@herefordshire.gov.uk)  
Telephone: 01432 261761

\* required information

**Section 1 of 19**

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

Not Currently In Use

29 JUN 2016

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

Your reference

HT01 OWE139-1

TO:

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

Fine Manor Events Ltd

\* Family name

as above

\* E-mail

enquiries@lemoremanor.com

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?

Yes  No

\* Registration number

07198089

\* Business name

Fine Manor Events Ltd

If the applicant's business is registered, use its registered name.

\* VAT number

GB 896849927

Put "none" if the applicant is not registered for VAT.

\* Legal status

Private Limited Company

*Continued from previous page...*

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

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

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent 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 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**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

Provide a general description of 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.

Manor house, Orangery, Coach House and grounds (in which temporary marquees may be erected) providing guest accommodation and used for events, including weddings, celebrations and corporate events.

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

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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.

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Live music may take place in the premises and any temporary marquees erected for the purpose of events within the grounds of the premises. Performers will be required to provide their own musical instruments. Amplified music will only be permitted in accordance with the planning permission in force for the premises from time to time.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State 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.

Recorded music may be played in the premises during events.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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.

Continued from previous page...

FRIDAY

Start 23:00

End 00:00

Start

End

SATURDAY

Start 23:00

End 00:00

Start

End

SUNDAY

Start 23:00

End 00:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes       No

Continued from previous page...

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name  
Street  
District  
City or town  
County or administrative area  
Postcode  
Country  
Personal Licence number (if known)  
Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**



*Continued from previous page...*

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

None

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

There shall be waiter/waitress service available throughout events;  
CCTV shall be in use and shall operate in public areas during the provision of licensable activities.

b) The prevention of crime and disorder

As (a) above

c) Public safety

A fire risk assessment will be conducted and implemented in the premises.

d) The prevention of public nuisance

As (a) above

e) The protection of children from harm

A Challenge 21 scheme will be adopted in the premises. Such policy shall be in writing and kept at the premises.

Continued from previous page...

**Section 19 of 19**

**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. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

<sup>1</sup> \* 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

Continued from previous page...

\* Capacity

\* Date  /  /   
dd mm yyyy

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/apply-1> 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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

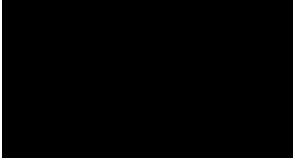
< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

**Consent of individual to being specified as premises supervisor**

Benjamin Owen

I  
-----  
*[full name of prospective premises supervisor]*

of



-----  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

-----  
*[type of application]*

by

Fine Manor Events Ltd

-----  
*[name of applicant]*

relating to a premises licence -----  
*[number of existing licence, if any]*

for

Lemore Manor  
Eardisley  
Herefordshire  
HR3 6LR

-----  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Fine Manor Events Ltd

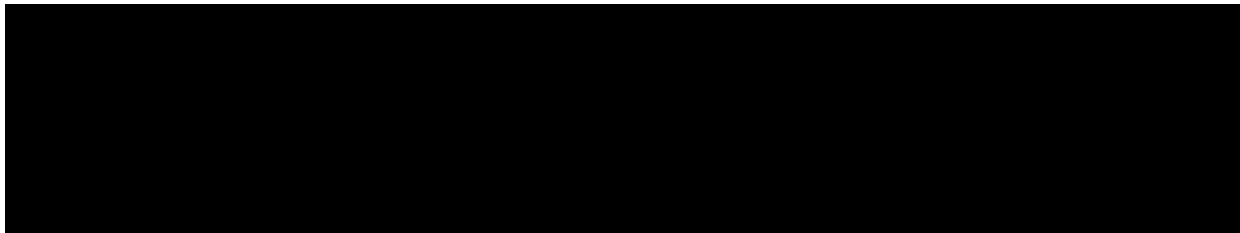
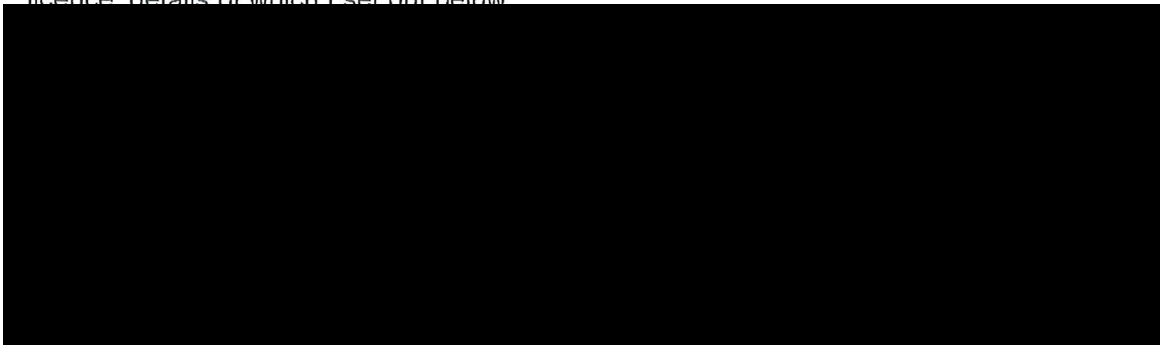
-----  
*[name of applicant]*

concerning the supply of alcohol at

Lemore Manor  
Eardisley  
Herefordshire  
HR3 6LR

-----  
*[name and address of premises to which application relates]*

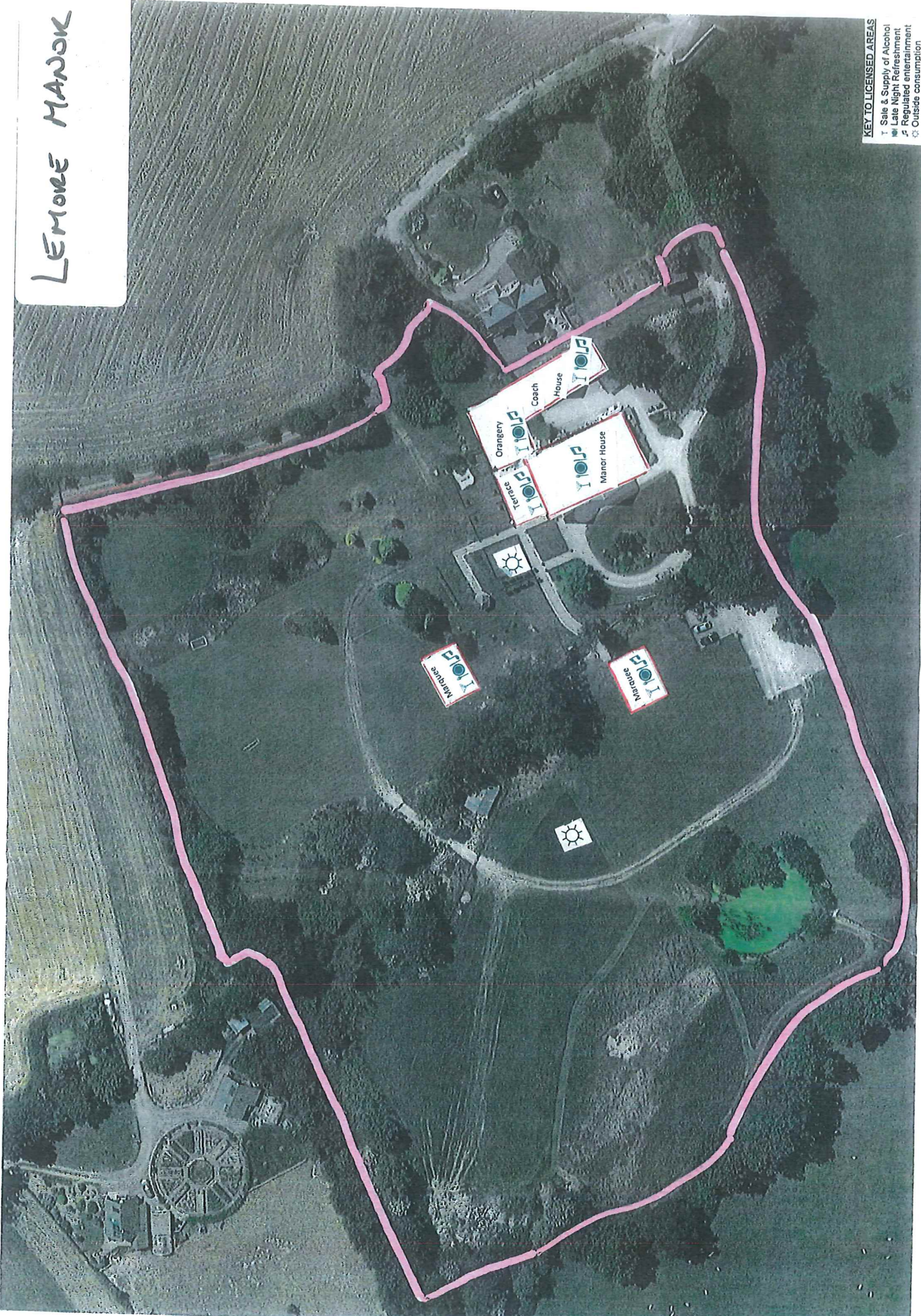
I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below



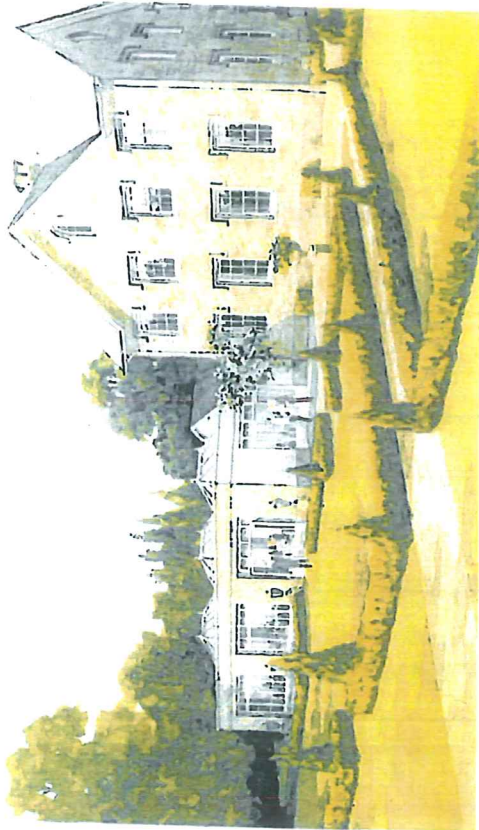
Name (please print) Benjamin Owen

Date 15<sup>th</sup> February 2016

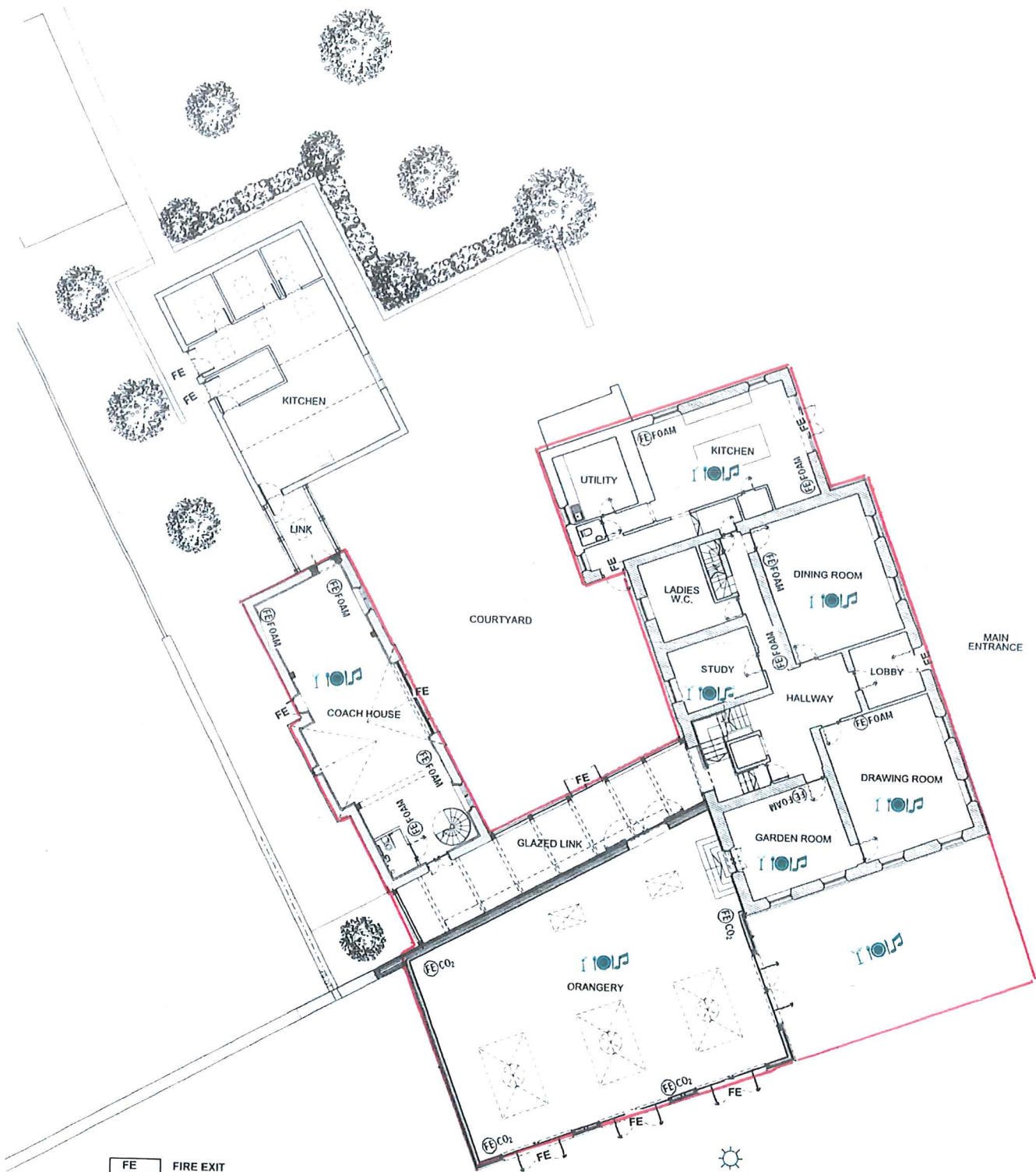
LEMORE MANOR



- KEY TO LICENSED AREAS**
- T Sale & Supply of Alcohol
  - L Late Night Refreshment
  - R Regulated entertainment
  - O Outside consumption
  - Licensed Areas







- FE** FIRE EXIT
- FE/FOAM** FIRE EXTINGUISHER FOAM
- FE/CO<sub>2</sub>** FIRE EXTINGUISHER CO<sub>2</sub>

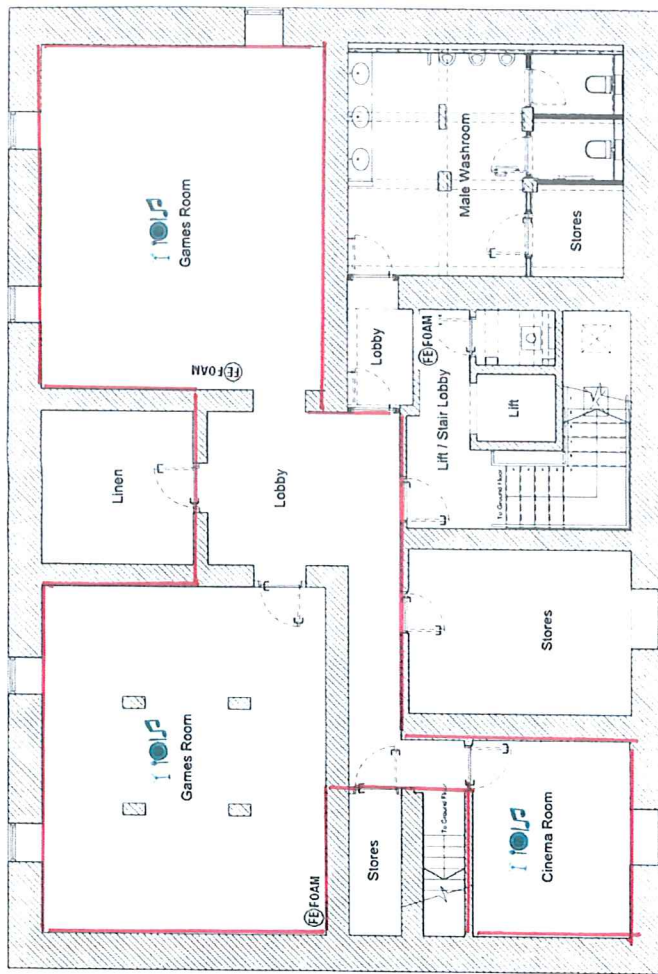
**KEY TO LICENSED AREAS**

- Sale & Supply of Alcohol
- Late Night Refreshment
- Regulated entertainment
- Outside consumption



REV B - For Information - February 2016

<b>BLOCK<sup>3</sup> ARCHITECTS</b>		TITLE: L.M.O. Lemore Manor, Eardisley, Herefordshire Site Plan	
HOLLY COTTAGE, BAVENEY WOOD, NR KIDDERMINSTER, DY14 8JB		DRG. NO: L (LA) 000	SCALE: 1:200 @ A3
T +44 (0)1299 841111	E info@b3a.co.uk	W www.b3a.co.uk	DATE: May 2016
		REV: -	



(E)FOAM FIRE EXTINGUISHER FOAM

- KEY TO LICENSED AREAS**
- Sale & Supply of Alcohol
  - Late Night Refreshment
  - Regulated entertainment
  - Outside consumption
- licensed areas

REV: - For Information - March 2014

<b>BLOCK ARCHITECTS</b>		FILE: LVO Linnors Manor, Emsley, Herefordshire Major House Basement Plan
DRG NO: L10102	SCALE: 1:500 (A1)	DATE: 10/04/14
PROJECT NO: 14000000000000000000	DATE: 10/04/14	REV: 1

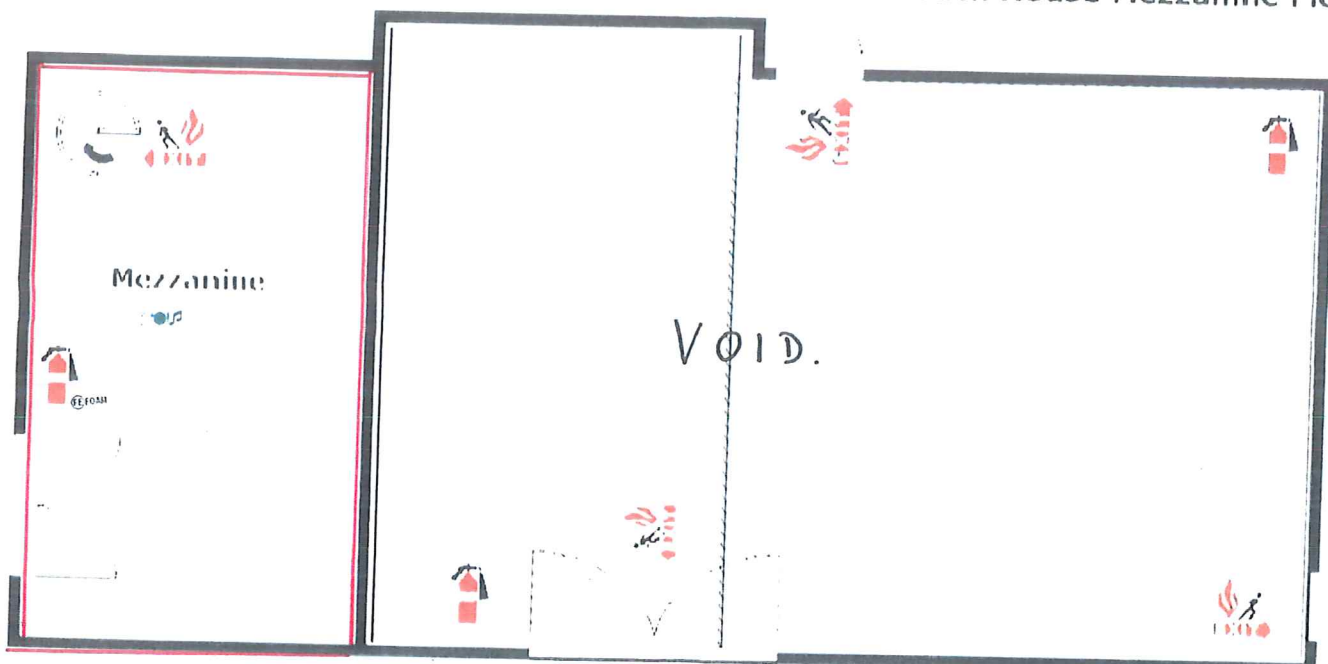
FIRE EXTINGUISHER FOAM

KEY TO LICENSED AREAS

- Sale & Supply of Alcohol
- Late Night Refreshment
- ! Regulated Entertainment
- Outside consumption

- licensed area

### Coach House Mezzanine Floor



Lemore Manor  
Eardisley  
Herefordshire  
HR3 6LR

-----  
Licensing Plan -  
Coach House  
Mezzanine  
-----  
February 2016



Dear Mr Thomas

**RE: Your Premises Application on Behalf of Fine Manor Events Ltd**

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your client's application for a premises licence for Lemore Manor, Eardisley, Herefordshire HR3 6LR.

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

After looking at the application under the section protection of children from harm we would seek to include the following conditions on the premises licence:

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

If your client agrees to these conditions could you email me stating they agree and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk); or

If you wish to discuss this matter further please do not hesitate to contact me on 01432 260163, [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)

**Miss Leah Wilson | BSc DTS MTSI | Trading Standards Officer |**  
Trading Standards & Animal Health | Economy, Communities & Corporate  
Directorate | Herefordshire Council | Blue School House, PO Box 233, Hereford HR1  
2ZB

Tel: 01432 260163 | Fax: 01432 261982 | Email: [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)  
| GCSX: [lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

## **Lemore Manor – application for grant of premises licence**

### **Conditions agreed with West Mercia Police**

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

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

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand.

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

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 '101' immediately.

2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
3. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All existing staff to be trained within three months of this condition appearing on this licence. All staff shall be re-trained twelve monthly thereafter. The training shall include:

Drugs Awareness

Conflict resolution

Selling to under age person

Selling to drunks

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

4. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
5. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
  - (a) all crimes (relevant to the licensing objectives) reported to the venue
  - (b) all ejections of patrons

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

6. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
7. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
8. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at, at least, one location behind any bar advertising the scheme operated.
9. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).





<b>Meeting:</b>	<b>Regulatory Sub-Committee</b>
<b>Meeting date:</b>	<b>22<sup>nd</sup> August 2016</b>
<b>Title of report:</b>	<b>APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF 'MUNCHIES, 59 COMMERCIAL ROAD, HEREFORD, HR1 1BP – LICENSING ACT 2003</b>
<b>Report by:</b>	<b>EMMA BOWELL – LICENSING TECHNICAL OFFICER</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Wards Affected**

Central Ward

## **Purpose**

To consider an application for the variation of a premises licence in respect of 'Munchies, 59 Commercial Road, Hereford, HR1 1BP.

## **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 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 Statement of Licensing Policy 2015 - 2020.

## Options

1. There are a number of options open to the Sub-Committee:
  - a) Grant the licence variation 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 variation 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 reject the application.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. **Licence Application**  
The application for a variation to the premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	<b>Ardalan Ghafour</b> <b>59 Commercial Road, Hereford, HR1 2BP</b>	
Solicitor	Neil Coulson – Coulson Read Lewis Solicitors	
Type of application: <b>Variation</b>	Date received: <b>5<sup>th</sup> July 2016</b>	28 Days consultation ended <b>2<sup>nd</sup> August 2016</b>

5. **Summary of Application**  
The application requests To extend Late Night Refreshment  
Monday-Sunday: 23:00 - 03:30  
  
To amend the conditions relating to door staff from 22:00 start to 01:00 start
6. **Current Licence**  
The current licence authorises the following licensable activities during the hours shown:  
Late night refreshment: Monday - Sunday - 23:00 to 01:30

Non Standard Timings:

Until 04:30 on Bank Holidays at Spring Bank Holiday, May Day, Easter, August Bank Holiday, Christmas and New Year

Conditions:

On Friday and Saturday nights from 10.00 pm, two SIA Licensed Door Supervisors will be employed at the premises until the termination of licensable activities. When employed externally door staff shall wear high visibility reflective jackets or vests.

The Premises Licence Holder will employ SIA door staff at other times when risk assessments dictate door supervision to be necessary.

7. **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 (**Licensing Authority and the Police**). Both have submitted an outright objection.

8. The matter is therefore brought before Committee for determination.

**Community Impact**

9. Any decision is unlikely to have any impact on the local community.

**Equality duty**

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

**Financial implications**

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

**Legal Implications**

12. 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"'.

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

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

## Right of Appeal

13. Schedule 5 gives a right of appeal which states:

### ***Variation of licence under section 35***

- 4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or
- (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

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.

## Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

## Consultees

15. All responsible authorities and members of the public living within Herefordshire.

## Appendices

- a) Application Form
- b) Police Objection
- c) Local Authority Objection

## Background Papers

None.



\* required information

**Section 1 of 17**

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

Main telephone number

Include country code.

Other telephone number

 Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?

 Yes  No

\* Is the applicant's business registered outside the UK?

 Yes  No

\* Business name

If the applicant's business is registered, use its registered name.

\* VAT number

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

\* Legal status

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Applicant Business Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

\* Is your business registered outside the UK?  Yes  No

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status  48



Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

8,000

### Section 3 of 17

#### VARIATION

Do you want the proposed  
variation to have effect 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

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.

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

#### Describe Briefly The Nature Of The Proposed Variation

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.

The premises are a lock up restaurant and hot take away fast food premises situated in Commercial Street Hereford and are used by customers for sustenance and refreshment throughout the day and night. The Premises is situated within the CIZ and it is intended to promote the licensed objectives by providing a much needed service to customers in a responsible manner ensuring that appropriate staffing levels are maintained including:

1. the provision of qualified door staff on a risk managed basis and at busy times such as Friday and Saturday nights between 0100 hours and closing time to ensure that the risk of crime and disorder is monitored and regulated. This will also have the benefit of enabling the premises to encourage those customers accessing and leaving the premises to respect the neighbourhood and to keep noise and disturbance to a minimum. A register of Door supervisors will be kept on the premises.
2. the existing CCTV is capable of monitoring the premises and is of a standard approved by the authorities and can also be used to record and provide information to the authorities with a view to promoting the licensing objectives of reducing crime and disorder
3. Appropriate notices and signage will also be displayed at the premises to remind customers of the need to leave peaceably and to respect the neighbourhood and to minimise the risk of noise nuisance
4. The premises will ensure that sufficient waste bins and receptacles are available to minimise the risk of littering and staff will monitor throughout the evening and clear any waste after the premises are closed
5. The premises licence holder recognises that the nature of the premises business may attract those who are vulnerable such as youth and will take appropriate steps to monitor and inform the relevant authorities in the event that they become aware of those under the age of 18 on the premises with a view to promoting the licensing objectives.

The Premises licence holder agrees to the specific conditions attached to this application as required by the police and licensing authorities at other premises situated within the CIZ as it recognizes that the conditions are both appropriate and necessary to promote the licensing objectives.

Continued from previous page...

**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes  No

**Section 5 of 17**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 17**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

Not applicable

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

THURSDAY

Start 10:00

End 03:30

Start

End

FRIDAY

Start 10:00

End 03:30

Start

End

SATURDAY

Start 10:00

End 03:30

Start

End

SUNDAY

Start 10:00

End 03:30

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The Premises would wish to vary the hours for the premises to allow for the traditional non standard hours until 04:30 on bank holidays at Spring Bank, May day, Easter, August Bank holiday Christmas and New Year

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

It is requested that the existing condition requiring door supervision should be replaced to reflect the new hours and also to provide for door supervision in conjunction with other premises in Commercial Street to ensure a measured and even approach for all premises

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

**Continued from previous page...**

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Nothing beyond the existing arrangements relating to Health and Safety and Fire Safety Etc requirements and the existing arrangements which are in place. Save for those additional proposals relating to the CIZ and minimising the risk of any breach of the Licensed objectives

b) The prevention of crime and disorder

SEE ABOVE the premises have their own CCTV which has been installed to the specifications and recommendations of the local police. Images will be retained for thirty one days and are downloadable on request. CCTV will also be recording at all times the premises are open for licensable activity with times and dates visible and accurate. Door supervisors are to be provided as indicated within the application on a risk assessed basis with required times at busy periods and on Friday and Saturday nights at set times. Records of door supervisors to be kept in accordance with the local police recommendations

c) Public safety

SEE ABOVE and also CCTV is available. Premises is adequately protected in relation to risk of fire and for health and safety purposes already in place

d) The prevention of public nuisance

SEE ABOVE - CCTV is in place which is a proven deterrent in terms of anti social activities and also signage is to be provided to remind customers to respect the neighbourhood in terms of noise and litter-see proposed conditions recommended by the local police

e) The protection of children from harm

The staff are particularly aware of the need to monitor and report the vulnerable to the authorities where appropriate

## Section 17 of 17

### 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.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

**Continued from previous page...**

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**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)

\* Full name

\* Capacity





## NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a premises called **Chicken Munchies, Commercial Road, Hereford**. This premises is licensed for late night refreshment.

The application is to vary the existing hours - extending them until 0330hrs on all days and until 0430hrs for seasonal variations. In addition the application seeks to vary existing conditions with regards to the employment of SIA registered door supervisors by reducing the start time they will be engaged at the premises.

The applicant has identified that the location of the premises is within the cumulative impact zone (CIZ) which is a special policy within the licensing policy of Herefordshire Council. However from reviewing the application and taking into account the requirements of the guidance issued under Section 182 of the Licensing Act 2003, the applicant has not indicated how this application will not impact on the CIZ or what further appropriate steps the applicant will take to promote the licensing objectives.

Therefore at this stage the police object to the application as to grant it would undermine the licensing objectives

Regards

Jim Mooney (on behalf of Ps 3456 Reynolds)  
Harm Reduction/Community Safety Dept.,  
Licensing & Harm Reduction Coordinator,  
Policing Unit - Herefordshire,  
West Mercia Police.  
DDI 01432 347102  
Switchboard '101' x 4702  
[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)  
[In Herefordshire we protect people from harm](#)  
[#destinationHereford](#)

The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.

View our new Warwickshire Police and West Mercia Police websites at:

[www.warwickshire.police.uk](http://www.warwickshire.police.uk) and [www.westmercia.police.uk](http://www.westmercia.police.uk)



### **Make the difference**

For more information about becoming a Special Constable, please visit,

#### **Warwickshire Police:**

[www.warwickshire.police.uk/specialconstables](http://www.warwickshire.police.uk/specialconstables)

#### **West Mercia Police:**

[www.westmercia.police.uk/specialconstables](http://www.westmercia.police.uk/specialconstables)

## **Representation made by the Local Authority on 27.7.16**

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to the premises licence in respect of the 'Munchies, 59 Commercial Road, Hereford, HR1 2BP.

The premises licence holder requests to extend the existing hours until 3.30 am on all days of the week from the current time of 1.30 am with the request for additional hours on bank holidays until 4.30 am..

The premises are within the area of the Herefordshire Council Special Policy (the Cumulative Impact Area) and the consequence of this application falls with the terms of paragraph A1 which states '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;
- Littering and fouling.

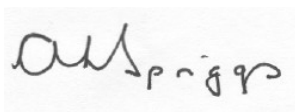
The authority has already consented to one premises close by having its hours extended until 3am.

Whilst the premises could be considered to be the centre of the night time economy nevertheless there are a large number of residential properties over the top of a lot of these night time commercial premises. No consideration has been given to these people.

The likely consequences of granting this application is that it will effect the dispersal of people from the other premises and result in the hours of the night time economy being further extended.

The primary purpose of the act is to promote all of the licensing objectives. Consequently this authority must object to this application on the grounds that the Special Policy has been evoked and that the outcome of granting the application would be:

- An increase in crime against both property and persons;
- An increase in noise and disturbance to residents;
- Littering and fouling an increase in noise and disturbance to residents.



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





<b>Meeting:</b>	<b>Regulatory Sub-Committee</b>
<b>Meeting date:</b>	<b>22<sup>nd</sup> August 2016</b>
<b>Title of report:</b>	<b>APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF 'COTTERELL STREET STORES, 87 COTTERELL STREET, HEREFORD. HR4 0HJ – LICENSING ACT 2003</b>
<b>Report by:</b>	<b>EMMA BOWELL – LICENSING TECHNICAL OFFICER</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Greyfriars

## Purpose

To consider an application for the variation of a premises licence in respect of 'Cotterell Street Stores, 87 Cotterell Street, Hereford. HR4 0HJ

## 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 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 Statement of Licensing Policy 2015 - 2020.

## Options

1. There are a number of options open to the Sub-Committee:
  - a) Grant the licence variation 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 variation 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 reject the application.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. **Licence Application**  
The application for a variation to the premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	Rajeetha Rajaguru of 87 Cotterell Street, Hereford. HR4 0HJ	
Solicitor	Not Known	
Type of application: <b>Variation</b>	Date received: <b>1<sup>st</sup> July 2016</b>	28 Days consultation ended <b>28<sup>th</sup> July 2016</b>

5. **Summary of Application**

The application requests To extend Sale/Supply of Alcohol (for consumption off the premises) Mon – Sun 06:00-23:00

6. **Current Licence**

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

Sale/Supply of Alcohol (for consumption off the premises)

Mon-Sat 08:00-23:00

Sun 10:00-22:30

Christmas Day  
12:00 – 15:00  
19:00 – 22:30

Good Friday  
08:00 – 22:30

Non Standard Timings:  
None

## 7. **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 (**Trading Standards and the Police**). Both have submitted representations that have not been acknowledged by the applicant.

8. The matter is therefore brought before Committee for determination.

## **Community Impact**

9. Any decision is unlikely to have any impact on the local community.

## **Equality duty**

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

## **Financial implications**

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

## **Legal Implications**

12. 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.

## Right of Appeal

13. Schedule 5 gives a right of appeal which states:

### ***Variation of licence under section 35***

4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

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

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

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.

## Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

## Consultees

15. All responsible authorities and members of the public living within Herefordshire.

## Appendices

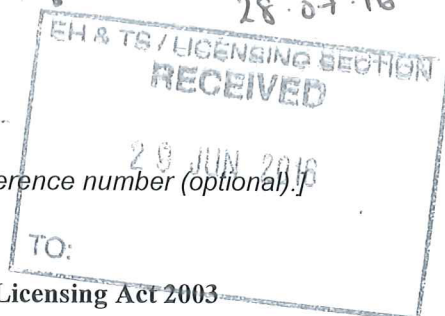
- a) Application Form
- b) Police Representation
- c) Trading Standards Representation

## Background Papers

None.



01.07.16  
28.07.16



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

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We RAJEETHA RAJAGURU

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PRO0107
-------------------------	---------

**Part 1 – Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
COTTERELL STREET STORES 87, COTTERELL STREET			
Post town	HEREFORD	Postcode	HR4 0HJ

Telephone number at premises (if any)	01432 354497
Non-domestic rateable value of premises	£ 2050

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	SAME AS ABOVE		
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

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

Yes

No

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

DD		MM		YYYY			
┆	┆	┆	┆	┆	┆	┆	┆

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

We have customers coming to the shop in the very early morning after their night shift and we can't serve alcohol to them because of the current hours 8am - 11pm. Also we have customers coming on Sunday mornings before 10.00am for alcohol, therefore we need the extended hours.

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

#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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



F

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

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance 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 type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
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 type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)			
Wed						
Thur			<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)			
Fri						
Sat						
Sun						

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 checked="" 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) CHRISTMAS DAY - 6am - 11pm GOOD FRIDAY - 6am - 11pm		
Mon	6am	11pm			
Tue	6am	11pm			
Wed	6am	11pm			
Thur	6am	11pm			
Fri	6am	11pm			
Sat	6am	11pm			
Sun	6am	11pm			
			<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)		

K

<p><b>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</b> (please read guidance note 8).</p>
---

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	6am	11pm	<p><b>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</b> (please read guidance note 5)</p>
Tue	6am	11pm	
Wed	6am	11pm	
Thur	6am	11pm	
Fri	6am	11pm	
Sat	6am	11pm	
Sun	6am	11pm	

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

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

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

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

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	[REDACTED]
Date	28-06-16
Capacity	PROPRIETOR

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

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

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

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 state 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 applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a location known as **Cotterell Street Stores, Cotterell Street, Hereford**. The application is extend the operating hours for the sale/supply of alcohol to cover daily periods of 0600hrs to 2300hrs.

The **current premises licence has no conditions** attached to it (save for the mandatory conditions) that will promote the licensing objectives

The applicant has not put forward any steps to address how these extended hours will impact on the local community and the licensing objectives.

Based on the last two comments, West Mercia Police **OBJECT** to this application.

This is a well established premises located in a residential area which does have contact with the police due to crime matters, through this contact, the police are aware it has an in-shop CCTV system

However if the applicant agrees to the following representations to promote the licensing objectives - that are proportionate, achievable and enforceable, West Mercia Police will withdraw their objection

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.
2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will 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 (relevant to the licensing objectives) reported to the venue
  - (b) any complaints (relevant to the licensing objectives) received
  - (c) any faults in the CCTV system or searching equipment or scanning equipment
  - (d) any refusal of the sale of alcohol
  - (e) any visit by a relevant authority or emergency service
3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of

taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving counter advertising the scheme operated.

Regards

Jim Mooney (on behalf of Ps 3456 Reynolds)  
Harm Reduction/Community Safety Dept.,  
Licensing & Harm Reduction Coordinator,  
Policing Unit - Herefordshire,  
West Mercia Police.  
DDI 01432 347102  
Switchboard '101' x 4702  
[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)  
[In Herefordshire we protect people from harm](#)  
[#destinationHereford](#)

**The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.**

Dear Mrs Rajeetha Rajaguru

**RE: Premises Licence Variation Application**

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application for a premises licence variation for Cotterell Street Stores, 87 Cotterell Street, Hereford, HR4 0HJ.

When considering this request it concerns me greatly that people are trying to buy alcohol at the times you have given in your application. It would be questionable that these people are responsibly drinking alcohol. As a retailer you must have regard to our licensing policy and the Government's Alcohol Harm Reduction Strategy (which you can find online). Ultimately you have to remain a responsible retailer and put the four fundamental objectives at the forefront of any sale these are:

- The prevention of crime and disorder,
- Public safety,
- The prevention of public nuisance, and
- The protection of children from harm.

You must have regard that there may be social health and crime & disorder issues raised by the misuse of alcohol which you supply. Condition 2 below can show the authority that you are exercising your right to refuse any sale and are acting as a responsible retailer.

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

After looking at your application under the section protection of children from harm we would seek to include the following conditions on the premises licence:

1. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

2. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

If you agree to these conditions could you email me stating you agree and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk); or  
If you wish to discuss this matter further please do not hesitate to contact me on 01432 260163, [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)

**Miss Leah Wilson | BSc DTS MTSI | Trading Standards Officer |**  
Trading Standards & Animal Health | Economy, Communities & Corporate  
Directorate | Herefordshire Council | Blue School House, PO Box 233, Hereford HR1  
2ZB  
Tel: 01432 260163 | Fax: 01432 261982 | Email: [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)  
| GCSX: [lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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