

AGENDA

Regulatory Sub Committee

Date: **Monday 10 April 2017**

Time: **2.00 pm**

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

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

For any further information please contact:

Caroline Marshall, Governance Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor BA Durkin
Councillor DW Greenow
Councillor MT McEvelly

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
5. TO CONSIDER AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'THE GOLDEN GALLEON, 61 COMMERCIAL ROAD, HEREFORD, HR1 2BP' - LICENSING ACT 2003. To consider an application for a variation of a premises licence in respect of 'The Golden Galleon, 61 Commercial Road, Hereford, HR1 2BP.	9 - 46
6. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003 To consider an application for a new premises licence in of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS'.	47 - 96

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- **RECORDING OF THIS MEETING**
 - Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.
 - Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.
 - The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Public Transport Links

There are bus stops directly outside the building. Hereford train station is a 15 minute walk, Hereford country bus station and Hereford city bus station are both a 5 minute walk from the Shirehall.

HEREFORDSHIRE COUNCIL

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

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

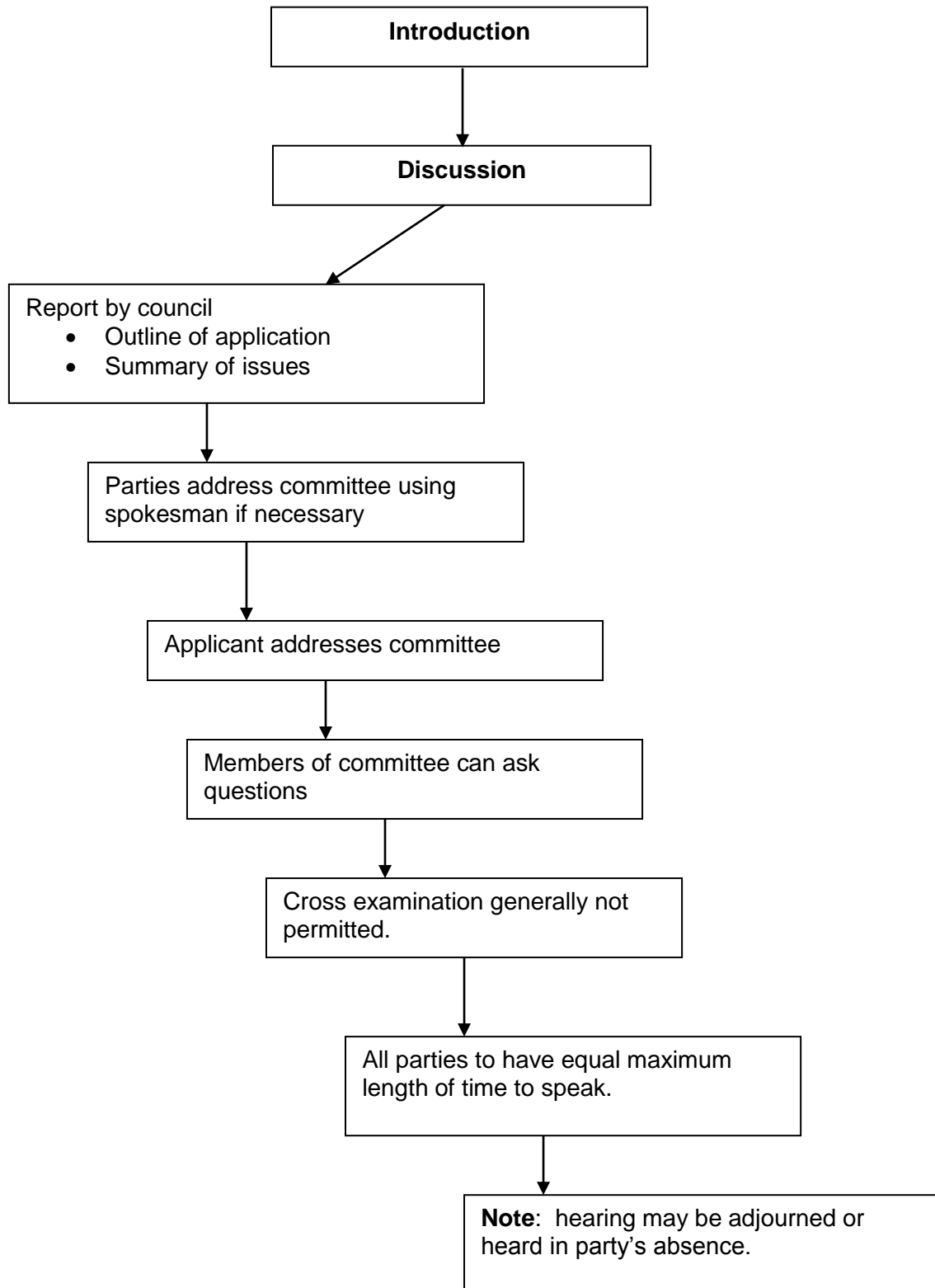
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

Licensing Hearing Flowchart





Meeting:	Regulatory sub-committee
Meeting date:	10 April 2017
Title of report:	To consider an application for a variation of a premises licence in respect of 'The Golden Galleon, 61 Commercial Road, Hereford, HR1 2BP' – Licensing Act 2003.
Report by:	Licensing officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for a variation of a premises licence (appendix A) in respect of 'The Golden Galleon, 61 Commercial Road, Hereford, HR1 2BP.

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) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application.

Reasons for recommendations

2. Ensures compliance with the Licensing Act 2003.

Key considerations

Licence application

3. The application for a variation of the premises licence has received relevant representations and is brought before the committee for determination. A copy of the current premises licence is attached as appendix D
4. The details of the application are:

Applicant	Harjinder Singh 61 Commercial Road, Hereford. HR1 2BP	
Solicitor	Michael Jones	
Type of application:	Date received:	28 days consultation ended
Variation	14 February 2017	13 March 2017

Summary of application

5. The application requests a variation of the premises licence to allow the following licensable activities, during the hours shown as follows:

Late Night Refreshment (Indoors)

All days 23:00 – 03:30

Non Standard Timings:

None

Current hours

6. Late Night Refreshment (Indoors)

All days 23:00 – 03:00

Summary of representations

7. One (1) representation has been received from the responsible authorities (licensing authority) (appendix B) who object to the licence being granted.
8. The matter is brought before sub-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 issues in relation to the content of this report.
11. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
12. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

14. The statutory framework relating to variations to premises licences is contained in Section 34 and Section 35 of The Licensing Act 2003. Where relevant representations are made the licensing authority must hold a hearing, unless such a hearing is considered unnecessary and having regard to the relevant representations take such steps as it considers are "appropriate" for the promotion of the licensing objectives.
15. The steps are to i) modify the conditions on the licence or ii) reject the whole or part of the application.
16. In exercising its functions as the authority should have regard to the need to promote the four licensing objectives under section 4 of the Licensing Act 2003, the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy.
17. 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.
18. 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.

19. 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.

20. 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.

21. 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'.

22. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Guidance Issued under Section 182

23. 8.34 *Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:*

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.35 *Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

8.36 *It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.*

Relevant, vexatious and frivolous representations

9.4 *A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. a number of conditions none of the above issues have been addressed.*

Statement of Licensing Policy – Special Cumulative Impact

24. This premises is in Commercial Road, Hereford and are therefore subject to the above policy (appendix C) that provides;

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

Where relevant representations are received against any:

- *New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates*

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

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

25. Regard should be had to the above provisions as well as the other matters outlined in this report in the determination of this application

Right of appeal

26. Schedule 5 gives a right of appeal to the Magistrates Court where the Sub-Committee refuse to grant the application to vary the premises licence in whole or part or against the modification of the conditions. Further there is also a right of appeal for those who have made relevant representations against the grant of the variation application or in relation to the modifications made/or not made in relation to the conditions on the premises licence. Any appeal must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Risk management

27. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

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

Appendices

Appendix A - application form

Appendix B - local authority representation

Appendix C - Herefordshire Council's - special cumulative impact policy

Appendix D – current premises licence

Background Papers

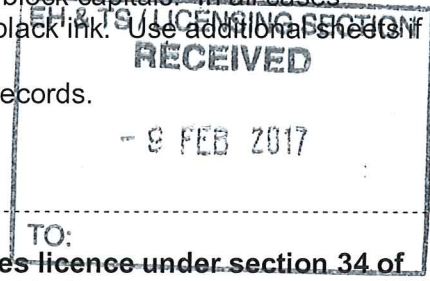
None

15.02.17
14.03.17

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 **HARJINDER SINGH**
(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 PR00904

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE GOLDEN GALLEON FISH AND CHIP SHOP 61 COMMERCIAL ROAD			
Post town	HEREFORD	Post code	HR1 2BP

Telephone number at premises (if any)	01432 276633
Non-domestic rateable value of premises	£16000

Part 2 – Applicant details

Daytime contact telephone number	01432 276633		
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

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

1. The premises are an established fast-food business. They operate in a busy part of Hereford, which serves the night time economy. The premises are located within Hereford's cumulative impact zone.

2. This application seeks a further variation of it's Licence to serve hot late night refreshment as follows:-

(a) Late night refreshment - Monday to :Saturday from 11.00 - 03.00 to 11.00 - 03.30

(b) Opening hours - Monday to Saturday from 11.00 - 03.00 to 11.00 - 03.30

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 yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	03.30	Please give further details here (please read guidance note 3) The nature of the business is the retail of fast food for consumption on and off the premises.		
Tue	23.00	03.30			
Wed	23.00	03.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None but see below		
Thur	23.00	03.30			
Fri	23.00	03.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) Current non-standard timings will continue to apply, namely all Friday, Saturday and Sundays preceeding bank holidays 23.00 - 04.30		
Sat	23.00	03.30			
Sun	23.00	03.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)

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 yes

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

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

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

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

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

Further provision of SIA qualified door staff to ensure orderly behaviour within and immediately adjacent to the premises

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

As above with the addition of extending arrangements for the frequent collection of litter in the vicinity of the premises until no less than 30 minutes after the last serving of hot food.

e) The protection of children from harm

see above


Please tick yes

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


IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

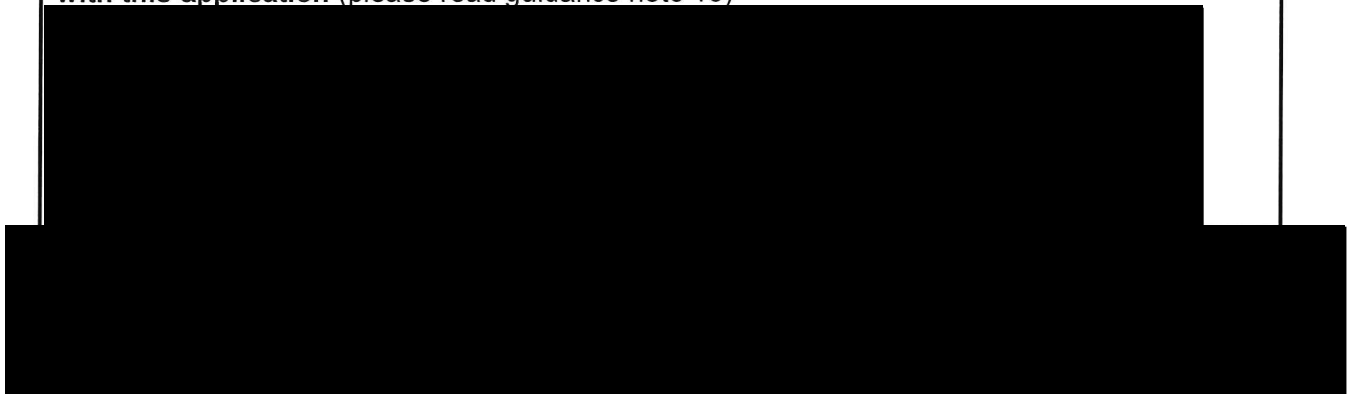
Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

	
Date	31 st January 2017
Capacity	Owner.

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.**

	
Date	31 st January 2017
Capacity	Legal Advisor

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


--

Representation made by the Local Authority 10 March 2017

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 'Golden Galleon, 61 Commercial Road, Hereford, HR1 2BP

The Licensing Authority must **object** to the licence as applied for.

It is disappointing to note that whilst the premises is within the area covered by the Herefordshire Council Special Policy the applicants solicitor, whilst having mentioned this fails to deal or to consider the impact on the public nuisance licensing objective caused by customers arriving at and leaving the premises.

The guidance under Section 182 of the Act states:

8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

Whilst the applicant has offered to extend the existing conditions no new conditions have been offered.

Having spoken to the applicants' solicitor it is clear that the reason that the application is being applied for is because the applicant feels at a commercial disadvantage as the premises close by already operates until 3.30am.

This is covered within the Section 182 Guidance and states:

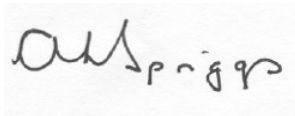
Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. a number of conditions none of the above issues have been addressed.

In other words commercial advantage or disadvantage is not relevant consideration under the Licensing Act.

Under the Licensing Act of 1964 premises of a particular type all had the same closing times. This result in a large influx of people onto the street, at the same time and caused issues in relation to crime and disorder, public safety and public nuisance. The whole principal of the 2003 Act was to do away with one closing time and introduce staggered closing times thereby reducing the impact on the licensing objectives at the end of the night. The applicant has failed to consider the impact on the promotion of the licensing objectives caused by both premises closing at the same time. No control measures have been offered and whilst SIA is in place the condition offered is woolly. Furthermore SIA have no jurisdiction beyond the curtilage of the premises.

The authority has to consider the likely impact on the licensing objectives should the application be granted. The authority feels that to grant this application would only further add to the problems in an area which has and is already identified as being under stress due to the saturation of licensed premises .

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

Fred Spriggs
Licensing Officer

These pages deal with the special policy which affects Hereford City Centre.

ANNEX 1

SPECIAL CUMULATIVE IMPACT POLICY

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

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

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

- planning controls
- CCTV
- provision of transport facilities including Taxi Ranks
- Late Night Levy
- Early Morning Restriction Orders (EMRO's)
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces

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

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

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

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

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

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

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

- Commercial Road full length (both sides) from its junction with Aylestone Hill to its junction with Blueschool Street and Bath Street – a point known as Commercial Square.
- Commercial Square, all sides and in all directions.
- Bath Street (both sides) east 50m from its junction with Commercial Square.
- Union Street (both sides) full length, both to South to St Peter's Square.
- Gaol Street (both sides) from its junction with Union Street East to a point East and starting at the private car park of Hereford Police Station.
- St Peter's Square East into St Owen Street (both sides) for a distance of 150m (opposite Hereford Town Hall).
- St Peter's Square to St Peter's Street – both sides of the streets.
- St Peter's Street to High Town pedestrian precinct – all sides and in all directions.
- High Town pedestrian precinct from its junction with High Street towards Widemarsh Street – all sides of all streets
- Widemarsh Street (both sides) north to its junction with Newmarket Street and Blueschool Street – commonly known as 'Wellington Corner'. Both sides of the streets and in all directions.
- Blueschool Street (both sides) from its junction with Newmarket Street and Widemarsh Street at a point commonly known as 'Wellington Corner' to its junction with Commercial Square
- All streets and locations enclosed within this defined area (as indicated in the shaded area of map Appendix A)

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

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

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

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

1. Where relevant representations are received against any:
New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

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

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

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

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

Premises licence number PR00904 (Variation)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description GOLDEN GALLEON 61 COMMERCIAL ROAD	
Post town HEREFORD	Postcode HR1 2BP
Telephone number 01432 276633	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Late Night Refreshment (Indoors)

The times the licence authorises the carrying out of licensable activities
**Late Night Refreshment
Monday-Sunday: 23:00 – 03:00**
**Non Standard Timings
All Fridays and Saturdays, and Sundays preceding bank holidays: 23:00 – 04:30**

The opening hours of the premises
Monday-Sunday: 11:00 – 03:00
**Non standard timings:
All Fridays and Saturdays, and Sundays preceding bank holidays:11:00 – 04:30**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Not applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
**Mr HARJINDER SINGH
GOLDEN GALLEON FISH & CHIPS
61 COMMERCIAL ROAD
HEREFORD
HR1 2BP
Telephone: (Day-time only) 01432 276633**

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

Not applicable

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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions

Mandatory condition: door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions / objectives

General:

Prevention of Crime and Disorder:

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. In the event of technical failure of the CCTV equipment the Premises Licence holder MUST report the failure to the Police on contact number '101' immediately.

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

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

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised

Herefordshire Trading Standards Officer or the Police, which must record the following:

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

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

Public Safety:

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

Electrical & Gas Installations

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

Prevention of Public Nuisance:

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

Adequate refuse containers shall be located in the premises.

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

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

Noxious smells

No noxious smell emanating from the premises shall cause a nuisance to nearby properties

Protection of Children from Harm:.

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

Hearing Date: Thursday 1st October 2015

- For avoidance of doubt the Committee notes that the revised application seeks the opening of the premises to serve hot refreshments which shall be limited to 0300 hrs save for all Fridays and Saturdays, and Sundays preceding bank holidays when the premises may remain open until 0430 hrs.

**Licensing Section, Herefordshire Council
PO Box 233, Blueschool House, Hereford, HR1 2ZB**

- On this basis the Committee requires that two SIA registered and trained door staff must be on duty between 0130hrs and closing time for all Fridays and, Saturdays, and Sundays preceding bank holidays AND at any earlier times as found to be necessary on a risk assessed basis. They will be appropriately dressed for their duties.
- Litter in the vicinity of the premises will be cleared hourly from 0130hrs onwards.
- Suitable receptacles will be provided.

Annex 4 - Plans

As attached

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

Premises licence number PR00904 (Variation)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description GOLDEN GALLEON FISH & CHIPS 61 COMMERCIAL ROAD	
Post town HEREFORD	Post code HR1 2BP
Telephone number 01432 276633	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Late Night Refreshment (Indoors)
--

The times the licence authorises the carrying out of licensable activities <u>Late Night Refreshment</u> Monday-Sunday: 23:00 – 03:00 <u>Non Standard Timings</u> All Fridays and Saturdays, and Sundays preceding bank holidays: 23:00 – 04:30

The opening hours of the premises Monday-Sunday: 11:00 – 03:00 <u>Non standard timings:</u> All Fridays and Saturdays, and Sundays preceding bank holidays:11:00 – 04:30
--

Name, (registered) address of holder of premises licence Mr HARJINDER SINGH GOLDEN GALLEON FISH & CHIPS 61 COMMERCIAL ROAD HEREFORD HR1 2BP

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable



Meeting:	Regulatory sub-committee
Meeting date:	10 April 2017
Title of report:	To consider an application for a new premises licence in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' – Licensing Act 2003.
Report by:	Licensing officer

Classification

Open – Report and appendices A to D

Exempt – Appendix E is exempt by virtue of paragraph 3 “Information relating to the financial or business affairs of any particular person (including the authority holding that information) of the access to information procedure rules set out in the constitution pursuant to Schedule 12a Local Government Act 1972, as amended.

Key Decision

This is not an executive decision.

Wards Affected

Hinton & Hunderton

Purpose

To consider an application for a new premises licence (Appendix A) in of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS'.

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 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 sub-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.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

3. 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	Hardi Mohammed	
Agent	Patrick Burke	
Type of application: New	Date received: 18 February 2017	28 days consultation ended 17 March 2017

Summary of Application

5. The application requests a new premises licence to allow the following licensable activities, during the hours shown as follows:

Sale of Alcohol (Off Premises)

All days 08:00 – 00:00

Non Standard Timings: None

Previous Licence

6. The premises was previously licensed for the sale of alcohol between 0800 to 0000 on all days of the week.
7. The licence was issued on 16 September 2015 and was revoked following a expedited review of the licence on 15 December 2016 as a result of the premises being involved in the sale of non-duty paid and smuggled tobacco.

Summary of Representations

8. Two (2) representations have been received from the responsible authorities (police (Appendix B) and trading standards (Appendix D)).
9. The police objected to the licence but have now agreed a set of conditions (Appendix C).
10. Trading Standards requested a set of conditions which have been agreed.
11. The matter was listed for hearing prior to the representations being withdrawn and therefore in accordance with Regulation 9 (2) of The Licensing Act 2003 (Hearings) Regulations 2005 and the Herefordshire Council licensing policy paragraph 5.2, it requires the consent of the licensing authority for the hearing to be cancelled which has not been given at this time.
12. The authority is seeking further information in relation to the lease covering the premises and seeks that information in accordance with Regulation 7(1)(d) of The Licensing Act 2003 (Hearings) Regulations 2005.
13. The authority has requested the following:
 - The deed of assignment in respect of the lease for the premises
 - Proof that the lessor has given consent to the transfer of the lease
 - Proof that the previous tenants name has now been removed from the lease.

Community Impact

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

Equality duty

15. There are no equality issues in relation to the content of this report.
16. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
17. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest

and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

- 18 The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy. Further applications should be determined in accordance with the provisions of Section 18 of this report. The options available to the licensing authority are set out in section 1 of this report.
- 19 The sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the licensing authority.
- 20 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.
- 21 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.
- 22 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.
- 23 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'.
- 24 In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

- 25 Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

26 Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

27 There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

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

Appendices

Appendix A - application form
Appendix B - police representation
Appendix C - police agreed conditions
Appendix D - trading standards representation
Appendix E - lease agreement – *exempt from publication*

Background Papers

None.

* 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

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.

Continued from previous page...

Address

* Building number or name

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

Note: completing the Applicant Business section is optional in this form.

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

Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

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	DOG AND PARTRIDGE
Street	136 HIGH STREET
District	BRIERLEY HILL
City or town	DUDLEY
County or administrative area	WEST MIDLANDS
Postcode	DY5 3BP
Country	United Kingdom

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	Mila
Street	102-104 Belmont Rd
District	
City or town	Hereford
County or administrative area	
Postcode	HR2 7JS
Country	United Kingdom

Further Details

Telephone number	07779 351620
Non-domestic rateable value of premises (£)	3,150

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

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

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- 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

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

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...

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.

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

authority (if known)

Continued from previous page...

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

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

Continued from previous page...

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.

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.

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorized representatives who have made prior appointments to visit the store.

All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.

Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.

Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises, and made available to officers from Trading Standards, the Police or HMRC, upon request

A stock control system will be maintained, to enable the licensee and designated premises supervisor to quickly identify where and when alcoholic and tobacco product have been purchased

An ultra-violet light will be available at the premises and will be used for the purpose of checking the UK Duty Stamps on spirits as soon as practicable after purchase

If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Staffordshire County Council Trading Standards and HMRC as soon as possible.

If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Staffordshire County Council Trading Standards and HMRC as soon as possible.

Protecting Children from Harm

Continued from previous page...

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
 2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.
 3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognized format any information requested by the Police.
 4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
 5. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
 6. All CCTV images will be retained for a period of not less than 31 day
 7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.
 8. All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
 9. At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.
 10. A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.
 11. These should be individual entries covering short periods of time only and should not exceed more than a three week period.
 12. The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorized person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.
- All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

c) Public safety

ALL EMERGENCY LIGHTING WILL BE CHECKED WEEKLY ENTRANCES, EXITS AND PASSEGEWAYS ARE KEPT CLEAR

d) The prevention of public nuisance

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES
ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER

e) The protection of children from harm

A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.
Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area

Continued from previous page...

alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

0 A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks. D All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

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

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

Continued from previous page...

* 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

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 >

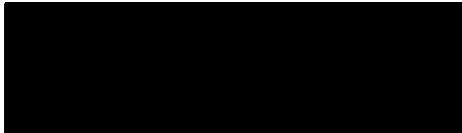
Consent of individual to being specified as premises supervisor

Hardi Mohammed †

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

New Premises Licence

[type of application]

by

Hardi Mohammed

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Mila
102-104 Belmont Rd
Hereford
HR2 7JS

[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

Hardi Mohammed

[name of applicant]

concerning the supply of alcohol at

Mila

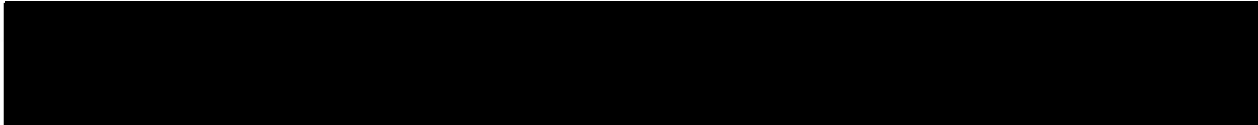
102-104 Belmont Rd

Hereford

HR2 7JS

[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.

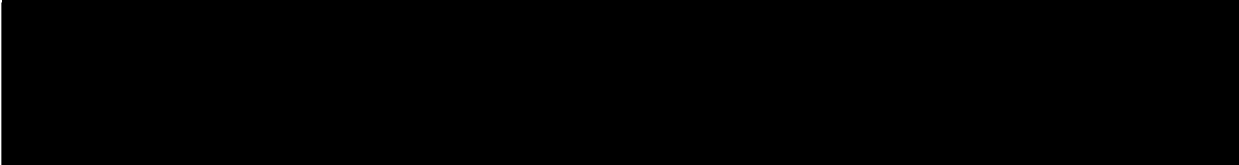


[insert personal licence number, if any]

Personal licence issuing authority

Sandwell MBC

[insert name and address and telephone number of personal licence issuing authority, if any]



Name (please print)

Hardi Mohammed

Date

17-2-17

Licensing Plan

Mila
102-104
Belmontrd
Hereford
HR2 7JS

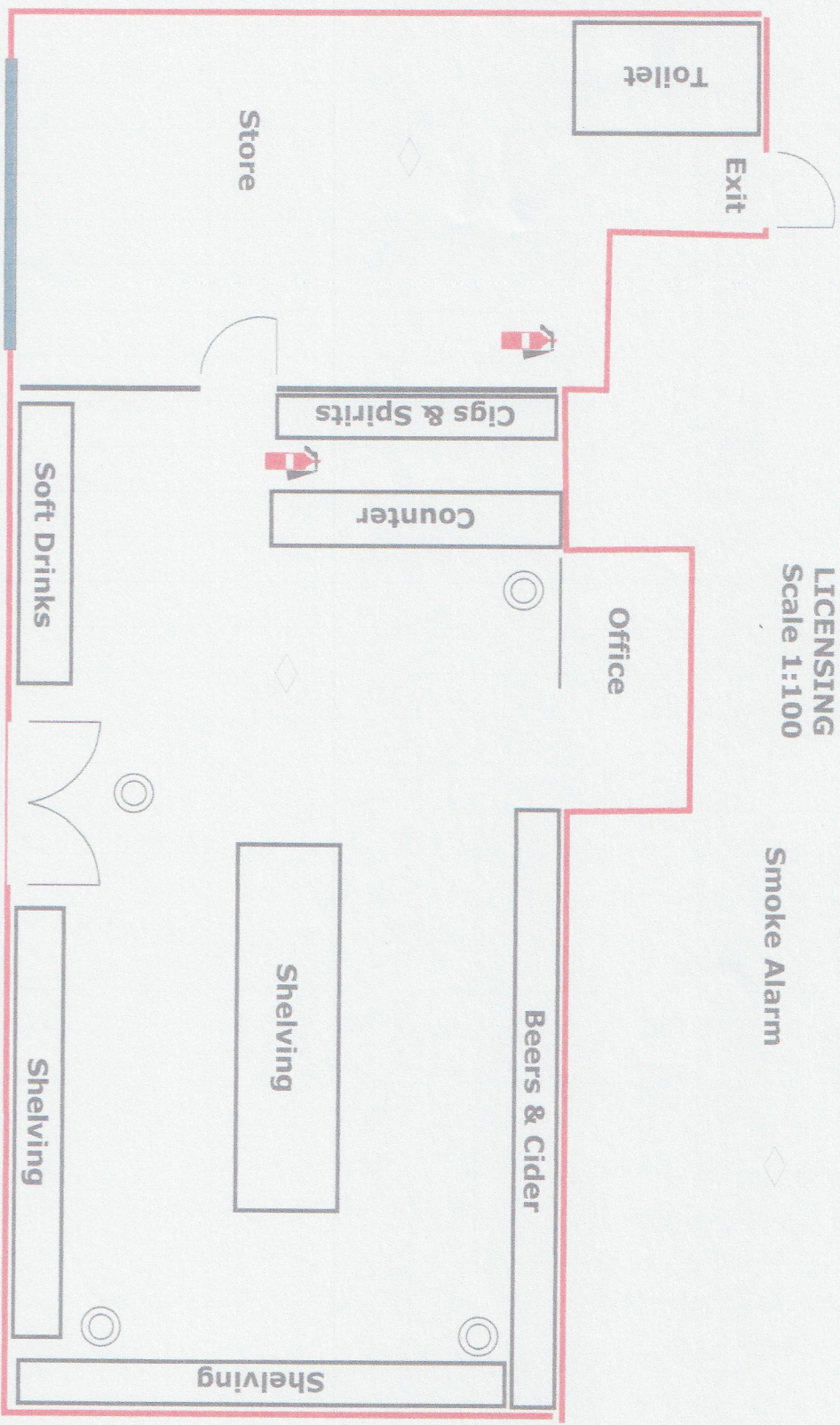
Prepared by
PMB
LICENSING
Scale 1:100

Licensable
Activity

CCTV

POWDER FIRE
EXTINGUISHER

Smoke Alarm



Garage Door to Store

Entrance

From: [Mooney James](#)
To: [Licensing](#)
Cc: [Reynolds Duncan](#); [Wilson Leah](#)
Subject: Mila, Belmont Road, Hereford - premises licence application
Date: 01 March 2017 15:11:38

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a premises known as **Mila, 102-104 Belmont Road, Hereford**. The application is for the licensable activity of the sale/supply of alcohol.

The applicant seeks to specify the designated premises supervisor as Hardi Mohammed (who at this time does not hold a personal licence)

West Mercia Police object to this application as in our opinion to grant it will undermine the licensing objectives - in particular that of the prevent of crime and disorder.

This premises under the same name was previously licensed. The premises was subject to a licensing review in 2016, which resulted in the premises licence being revoked in December 2016. The grounds for the review concerned the sale/supply of illegal or non duty paid tobacco. This matter is still under investigation with the potential for criminal prosecutions.

The view of West Mercia Police is that this premises is associated with criminal activity.

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

[In Herefordshire we protect people from harm](#)

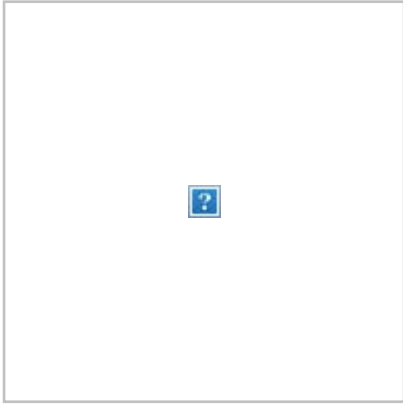
[#destinationHereford](#)

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 and www.westmercia.police.uk

Make the difference



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

Warwickshire Police:

www.warwickshire.police.uk/specialconstables

West Mercia Police:

www.westmercia.police.uk/specialconstables

The following are conditions that West Mercia Police would wish to apply to any premises licence granted to this location.

- 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 reported to the venue (where relevant to the licensing objectives)
(b) all ejections of patrons
(c) any complaints received (where relevant to the licensing objectives)
(d) any incidents of disorder
(e) any faults in the CCTV system or searching equipment or scanning equipment
(f) any refusal of the sale of alcohol
(g) 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 equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Re training will be carried out every 6 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**

- 4. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**
- 5. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.**
- 6. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.**
- 7. A personal licence holder will be in the licensable area of the premises at all times when the premises is undertaking licensable activities.**
- 8. The premises licence holder will ensure that that there is unobstructed view at all times into the licensable area of the premises. This will mean at least 75% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. Obstruction includes any permanent or temporary signage placed on the glass surfaces of windows and doors.**
- 9. A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:**
 - A. Details of all persons employed at the premises in any capacity.**
 - B. Date of birth of the person.**
 - C. The full name of the person.**
 - D. Their current address.**
 - E. Their national insurance number.**
 - F. Their passport details.**
 - G. In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.**
 - H. In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinite in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.****All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.**

From: [Wilson, Leah](#)
To: [Licensing](#)
Subject: FW: Premises Licence - Mila, 102-104 Belmont Road, Hereford HR2 7JS
Date: 20 March 2017 10:37:55

FYI

From: Patrick Burke [REDACTED]
Sent: 17 March 2017 08:21
To: Wilson, Leah
Subject: Re: Premises Licence - Mila, 102-104 Belmont Road, Hereford HR2 7JS

Morning Leah

I can confirm my client is happy for the suggested conditions to be included in the application for a premises licence

Patrick Burke

Agent for the Applicant

[Sent from Yahoo Mail on Android](#)

On Thu, 16 Mar 2017 at 17:24, Wilson, Leah
<LWilson@herefordshire.gov.uk> wrote:

From: Wilson, Leah
Sent: 14 March 2017 11:33
To: [REDACTED]
Cc: Licensing
Subject: Premises Licence - Mila, 102-104 Belmont Road, Hereford HR2 7JS

Dear Mr Burke

RE: In the matter of your client Mr Hardi Mohammed with Mila

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application for a premises licence for Mila, 102-104 Belmont Road, Hereford, HR27JS.

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 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.

4. Personal Licence Holder to be on the premises at all times.

If your client agrees to these conditions could you email me stating this and copy the email to 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

Regards

Miss Leah Wilson | BSc DTS MTSI | Trading Standards Officer | Trading Standards & Animal Health | Economy, Communities & Corporate Directorate | Herefordshire Council | 8 St Owen's Street, Hereford HR1 2PJ

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

This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If an attachment is included we cannot accept any liability for any loss or damage sustained as a result of software viruses. It is your responsibility to carry out such virus checking as is necessary before opening any attachment.

If you have received this e-mail in error, please notify the IT Service Helpdesk at the Herefordshire Council, telephone 01432 260160.

“Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council, Herefordshire Clinical Commissioning Group (HCCG), Wye Valley NHS Trust or Together NHS Foundation Trust. You should be aware that Herefordshire Council, Herefordshire Clinical Commissioning Group (HCCG), Wye Valley NHS Trust & Together NHS Foundation Trust monitors its email service. This e-mail and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error please contact the sender immediately and destroy all copies of it.”

Document is Restricted

