

Agenda

Licensing sub-committee

Date: **Wednesday 7 June 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 Licensing sub-committee

Membership

Councillor DW Greenow
Councillor J Hardwick
Councillor LC Tawn

Agenda

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the agenda.	
4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE: HEREFORD FISH & CHIPS, 60 COMMERCIAL ROAD, HEREFORD, HR1 2BP - LICENSING ACT 2003	9 - 38
To consider an application for a variation of a premises licence: Hereford Fish & Chips, 60 Commercial Road, Hereford, HR1 2BP.	

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- 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.
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- 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.
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HEREFORDSHIRE COUNCIL

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

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

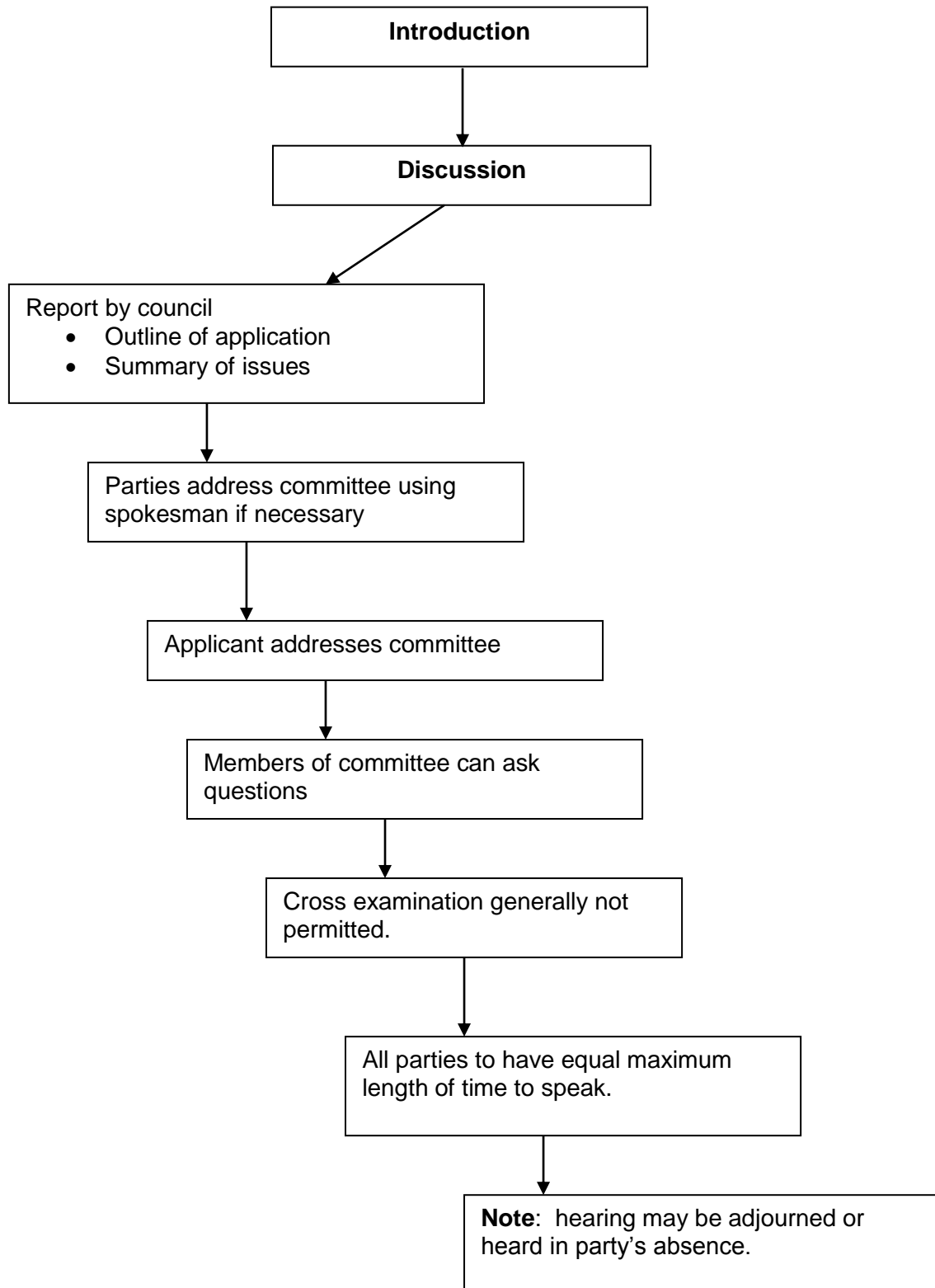
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You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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:	Licensing sub committee
Meeting date:	7 June 2017
Title of report:	Application for a variation of a premises licence: Hereford Fish & Chips, 60 Commercial Road, Hereford, HR1 2BP - Licensing Act 2003
Report by:	Licensing, traveller and technical support service manager

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider an application for a variation of a premises licence (appendix A): Hereford Fish & Chips, 60 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) 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 variation to the premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	Varinderjit Singh	
Solicitor	Not known	
Type of application: Variation	Date received: 19.04.2017	End of Consultation 16.05.2017

Summary of Application

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

Late Night Refreshment (indoors)

Monday – Wednesday	23:00 – 00:30
Thursday & Friday	23:00 – 04:00
Saturday	23:00 – 04:30
Sunday	23:00 – 04:00

Non- Standard Timings
Sunday before Bank Holiday Monday, Christmas Eve, New Year's Eve
23:00 – 04:30

Current Licence

6. On 30 July 2014 an application was heard by this committee in relation to these premises when the applicant applied for a change of use from that of an off licence to a take away.
7. That application was granted with the following hours:

Monday to Wednesday	23:00 to 00:30
Thursday to Sunday	23:00 to 01:30
8. Since the licence was granted the premises has not opened.
9. A copy of the licence is attached at appendix B.

Summary of Representations

10. Two (2) representations have been received from the responsible authorities: police (appendix C) and the local authority (appendix D). Both have objected to the licence being granted.
11. One (1) representation has been received from a member of the public (appendix E).

Community Impact

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

Equality duty

13. There are no equality or human rights issues in relation to the content of this report.
14. 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.
15. 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

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

Legal Implications

- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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'.
- 19 In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

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

Variation of licence under section 35

- 4 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that any variation made ought not to have been made, or
(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
he may appeal against the decision.

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

Risk Management

21 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

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

Appendices

Appendix A - Application form
Appendix B - Current licence
Appendix C – Police representation
Appendix D – Local authority representation
Appendix E – Public representation

Background Papers

None.

* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

Varinderjit Singh

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

Varinderjit

* Family name

Singh

* E-mail

[Redacted]

[Redacted]

Include country code.

Other telephone number

[Redacted]

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

Yes No

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

Is your business registered outside the UK?

Yes No

Business name

[Redacted]

If your business is registered, use its registered name.

VAT number

- [Redacted]

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

Legal status

Please select...

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 17

APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

6,700

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

1. I wish to change the name of the business to "Hereford Fish & Chips".
2. I wish to extend my licensing and opening Hours :
Thursday, Friday, Sunday until 04:00 AM.
Saturday until 04:30 AM.
Sunday before bank holiday Monday, Christmas Eve and New Years Eve until 04:30 AM.

Section 4 of 17

PROVISION OF PLAYS

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

Yes No

Section 5 of 17

PROVISION OF FILMS

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

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

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

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

- Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

- Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

- Yes No

Section 11 of 17

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

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

- Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Eat in or take away (Hot food).

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Sunday before Bank holiday Monday, Christmas eve, New Year eve: 11:00-23:00
23:00-04:30

Section 13 of 17

SUPPLY OF ALCOHOL

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

- Yes No

Section 14 of 17

ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations.

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

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

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

Sunday before Bank holiday Monday, Christmas eve, New Year eve: 11:00-23:00
23:00-04:30

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

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

Continued from previous page...

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

Section 16 of 17

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.

I am happy with the condition already set on my license.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 17

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300

£100.00

Continued from previous page...

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

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

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

* Fee amount (£)

DECLARATION

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/change-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	<input type="text" value="Varinderjit Singh"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

Premises licence number PR01645 (Grant of Premise Licence)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description 60 COMMERCIAL ROAD	
Post town HEREFORD	Postcode HR1 2BP
Telephone number 07445 333634	

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

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

The times the licence authorises the carrying out of licensable activities <u>Late Night Refreshment</u> Monday – Wednesday 23:00 – 00:30 Thursday – Sunday 23:00 – 01:30 <u>Non Standard Timings</u> Sundays before Bank Holiday Monday, Christmas Eve, New Years Eve 23:00 – 01:30
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The opening hours of the premises Monday – Wednesday 11:00 – 00:30 Thursday – Sunday 11:00 – 01:30 <u>Non Standard Timings</u> Sundays before Bank Holiday Monday, Christmas Eve, New Years Eve 11:00 – 01:30

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

Varinderjit Singh



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

Licence number: Not Applicable

Issuing authority:

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

General

Prevention of Crime & Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

**Annex 3 - Conditions attached after a hearing by the licensing authority
Hearing date: 30.07.2014**

Hours of Licensable Activity (Indoors and Outdoors)

	Late Night Refreshment	Open to the Public
Monday	23:00 – 00:30	11:00 – 00:30
Tuesday		
Wednesday		
Thursday	23:00 – 01:30	11:00 – 01:30
Friday		
Saturday		
Sunday		

Non Standard Timings

	Late Night Refreshment	Open to the Public
On Sunday before a Bank Holiday Monday, New Years Eve and Christmas Eve	23:00 – 01:30	11:00 – 01:30

Appendix A – Conditions

General

1. The premises licence holder shall surrender the current premises licence on grant of this licence.

Prevention of Crime

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

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

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

3. The premises licence holder shall employ SIA registered Door Supervisors on a Friday and Saturday night and on a Sunday night preceding a Bank Holiday from midnight until the terminal hour shown on the licence or until the premises close whichever is the earlier.
4. 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.
5. 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
6. The Premises Licence Holder and staff will not permit alcohol to be consumed on the premises.

Prevention of Public Nuisance

7. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.
8. The premises licence holder shall provide 2 additional refuse (litter) containers to be located outside the premises. Such containers shall be secured and shall be sited at a location agreed with Herefordshire Council Highways Department or their agent. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.
9. The Premises Licence holder will ensure that the area immediately outside the premises is checked for litter at least once every 30 minutes, during operating hours and that any litter found is disposed in refuse sacks or bins.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

Public Safety

11. All staff shall wear clothing which identifies them as members of staff of the premises.
12. First aid
A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves
13. 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.
14. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Protection of Children From Harm

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

Annex 4 - Plans

As attached

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

Premises licence number PR01645 (Grant of Premise Licence)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
60 COMMERCIAL ROAD	
Post town HEREFORD	Post code HR1 2BP
Telephone number 07445 333634	

Where the licence is time limited the dates
Not applicable

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

The times the licence authorises the carrying out of licensable activities
<u>Late Night Refreshment</u>
Monday – Wednesday 23:00 – 00:30
Thursday – Sunday 23:00 – 01:30
<u>Non Standard Timings</u>
Sundays before Bank Holiday Monday, Christmas Eve, New Years Eve 23:00 – 01:30

The opening hours of the premises
Monday – Wednesday 11:00 – 00:30
Thursday – Sunday 11:00 – 01:30
<u>Non Standard Timings</u>
Sundays before Bank Holiday Monday, Christmas Eve, New Years Eve 11:00 – 01:30

Name, (registered) address of holder of premises licence
Varinderjit Singh
[REDACTED]

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

No adult entertainment or services or activities must take place at the premises

From: [Mooney, James](#)
To: [Licensing](#)
Cc: [Reynolds, Duncan](#); [Spriggs, Fred](#)
Subject: Dose Fish and Chip Shop, Commercial Road, Hereford
Date: 08 May 2017 14:56:30

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a location known as **Dose Fish and Chip Shop, Commercial Road, Hereford**. The application is to extend the operating hours until 0400/0430.

This premises whilst licensed for late night refreshment and has not actually opened and operated as such since the licence was granted in 2014. The premises is located within an area covered by the special cumulative impact policy for Herefordshire Council. This policy refers to the concentration of licensed premises within a specific area and the associated crime and disorder that could occur. The guidance issued under S182 of the Licensing Act 2013, indicates that any applicant should show what steps they will take to promote the licensing objectives and how by granting an application will not impact the licensing objectives and the special policy.

The applicant has not put forward any steps to promote the licensing objectives and therefore has failed to recognise the importance of the need to promote the licensing objectives.

West Mercia Police therefore OBJECT to this application on the grounds that it will undermine the licensing objectives - in particular the prevention of crime and disorder.

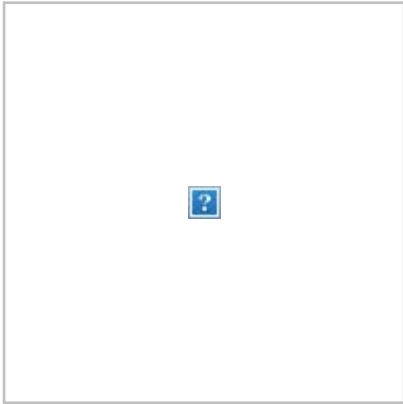
Regards

Jim Mooney
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,
Policing Unit - Herefordshire,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmerciam.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.westmerciam.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

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 'Hereford Fish & Chip Shop, 60 Commercial Road, Hereford, HR1 2BP'.

The Licensing Authority **objects** to the licence as applied for.

These premises went before the Regulatory Sub-Committee on 30th July 2014 when an application was made for these premises to be changed from an off-licence to a Take-Away. This application was granted and within that decision notice it was stated that:

The Sub-Committee also took careful note of Luminar Ltd v Wakefield Magistrates Court and decided that the proportionality of its refusing this application was narrowly outweighed by the positive effects of the conditions proposed by the licensing authority, as amended by this Sub-Committee.

The licensed authorised Late Night Refreshment from 2300 to 0030 Monday to Wednesday and until 0130 on Thursday to Sunday.

Since this licence was granted the premises has failed to open.

The premises lies within the heart of the area covered by the Herefordshire Council Special Policy. The applicant has failed to mention this within his application and fails to deal with or to consider the impact on the crime prevention or public nuisance licensing objectives 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.

The applicant has failed to offer any new conditions to promote the licensing objectives.

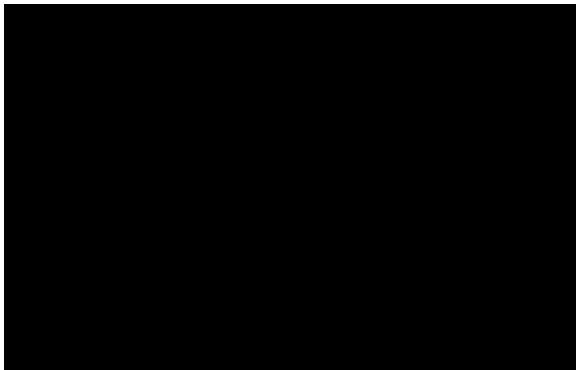
The authority objected to the licence for the change of use on the grounds that the premises is within the heart of the area covered by Herefordshire Councils' Special Policy under the Licensing Act 2003 (the Cumulative Impact Area) and that the granting of the licence would

further add to the cumulative impact of an area which has already been identified by the police as being under stress in relation to crime and disorder.

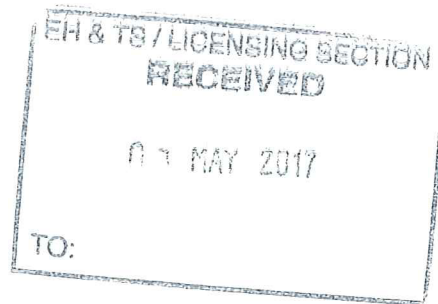
Had the premises been open then the applicant may have been in a position to demonstrate that there was unlikely to be any impact on the licensing objects.

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.

Fred Spriggs
Licensing Officer



Licensing Section,
Herefordshire Council,
8, St Owen Street,
Hereford,
HR1 2PJ.



For the attention of Mr. F. Spriggs

28th. April, 2017.

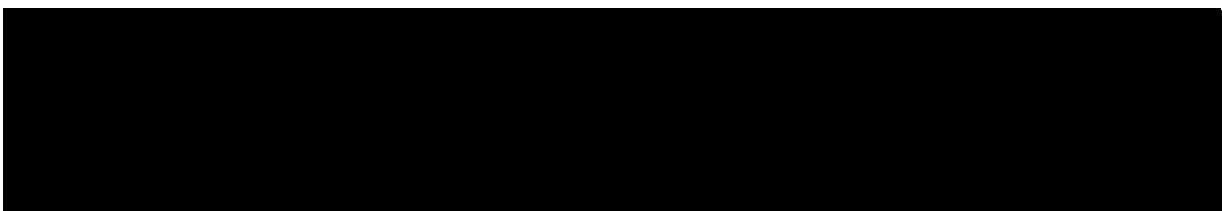
Dear Sir,

Re. Hereford Fish and Chips, 60 Commercial Road, Hereford, HR1 2DP.

I am writing to strongly object to the application of 19th. April, 2017 for the above business and its intended opening hours for trade to 4.00 a.m or 4.30 a.m. on Thursdays to Sundays inclusive and also on public holidays. I would also mention that, from existing experience, that the activity relating to this trading carries on past the agreed closing hours with removing customers, closing down, bagging up rubbish etc.

I have lost count of the number of objections I [redacted] have made involving Commercial Road businesses extending their trading hours and can only say that the amount of disruption in the early hours of certain days of the week is increasing to an unacceptable level.

[redacted]
[redacted] I feel particularly vulnerable and find it especially frightening when there is shouting outside and fights break out, as they often do, and then the police arrive with the flashing lights on their vehicles and carry out arrests.



Family and friends that have stayed overnight [redacted] can, and will, testify to the disruption already existing, without anything extra adding to it, and I can invite

councillors or council staff to come and stay [REDACTED] at weekends and experience for themselves what goes on.

One can only speculate that, if this state of affairs is allowed to continue without suitable restraints, eventually Commercial Road will be open for trade twenty four hours every day.

Yours faithfully,

[REDACTED]