

Agenda

Licensing sub-committee

Date: **Monday 6 November 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 BA Baker
Councillor AJW Powers

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 IN RESPECT OF: MUNCHIES, 59 COMMERCIAL ROAD, HEREFORD. HR1 2BP - LICENSING ACT 2003	9 - 36
To consider an application for a variation of a premises licence in respect of Munchies, 59 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.
- 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.
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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.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

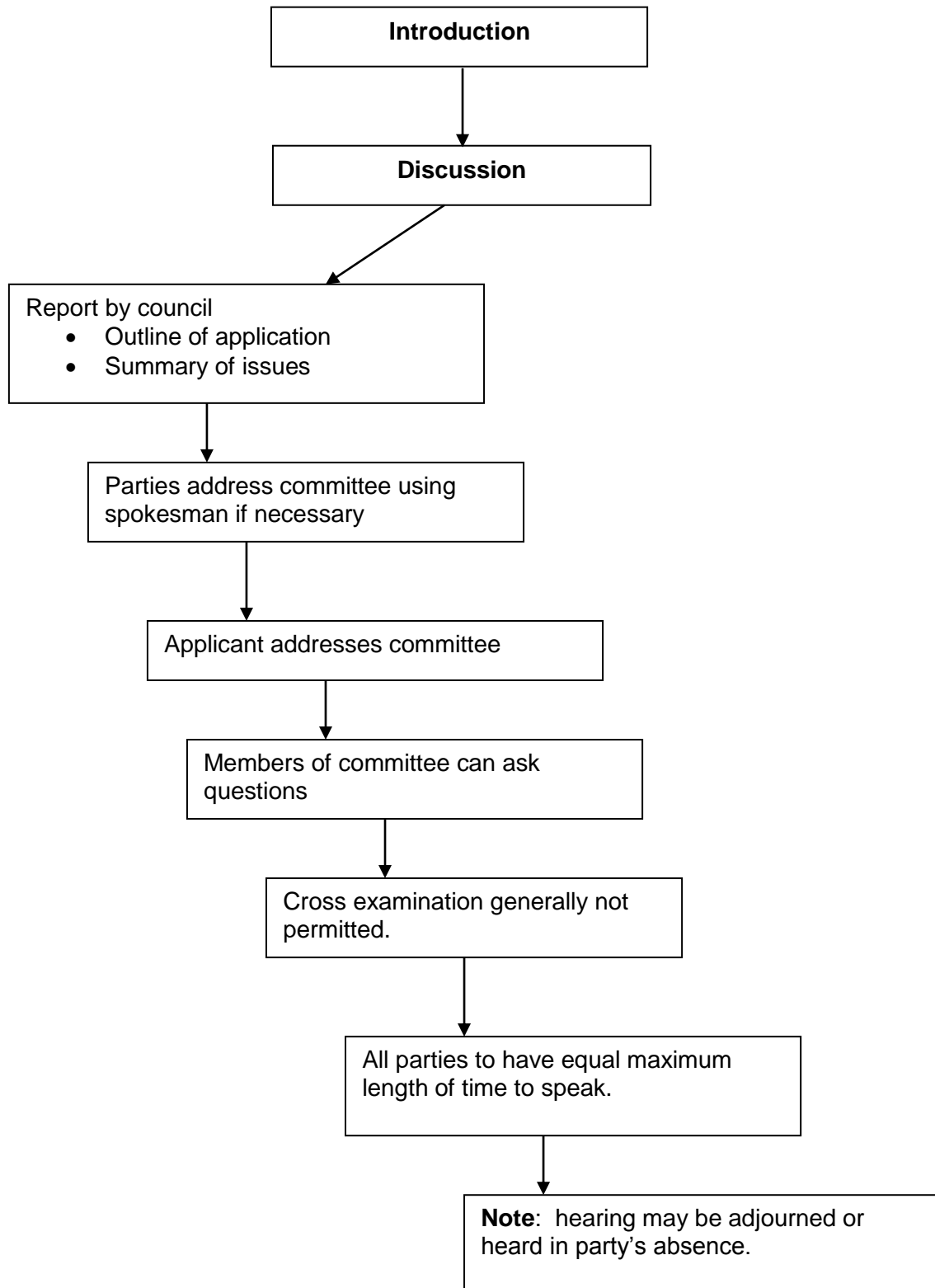
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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:	Monday 6 November 2017
Title of report:	Application for a variation of a premises licence in respect of: Munchies, 59 Commercial Road, Hereford. HR1 2BP - Licensing Act 2003
Report by:	Licensing Technical Officer

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 in respect of Munchies, 59 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 times applied for
- (b) to modify the conditions of the licence;

Further information on the subject of this report is available from
Emma Bowell – Licensing Technical Officer 01432 261761

- (c) to reject the whole or part of the application;
- (d) and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence application

- 3. The application (appendix 1) for a variation of the premises licence has received representation and is brought before the committee for determination.
- 4. The details of the application are:

Applicant	Hereford Munchies Limited – Kamal Ahmed	
Agent	Bahroz Mohammed – Kidwells Solicitors	
Type of application: Variation	Date received: 14 September 2017	28 Days consultation ended 12 October 2017

Summary of Application

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

Late night refreshment (indoors):
Monday – Sunday
23:00-05:00

Premises History

- 6. On 3 August 2016 the premises licence was varied to allow:

Late Night Refreshment
Monday–Sunday
23:00 – 03:30
- 7. On 4 August 2017 an application to transfer the licence into the name of Hereford Munchies Limited was received.

Current Licence

- 8. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Late Night Refreshment
Monday-Sunday
23:00 – 03:30

Summary of Representations

9. One (1) representation (appendix 3) has been received from the responsible authorities (West Mercia Police). The representation stated they objected to the application.

Community Impact

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

Equality duty

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.
13. There are not considered to be any equalities implications arising from this report.

Financial implications

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

Legal Implications

15. 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.
16. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
17. This premises is in Commercial Road, Hereford and are therefore subject to the special cumulative impact policy contained in the Herefordshire Council Statement of Licensing Policy 2015-2020 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: -*

Further information on the subject of this report is available from
Emma Bowell – Licensing Technical Officer 01432 261761

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.*

18. The application should be considered in the context of this policy as well as the other matters outlined in this Report in the determination of this application.

19. 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.

20. 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.

21. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.,

22. 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'.

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

Right of Appeal

24. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision

Risk Management

25. 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

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

Appendices

Appendix 1 - Application for a variation of a premises licence

Appendix 2 - Current premise licence

Appendix 3 - Police objection

Background Papers

The Section 182 guidance and the council's statement of licensing policy.



Herefordshire
Application to vary a premises licence
Licensing Act 2003



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

* required information

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Is the applicant's business registered outside the UK? Yes No

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

Business name

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

VAT number

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

include country code.

Other telephone number

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

Are you:

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

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

A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

8,000

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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.

Munchies is a small licensed premises, located on the popular Commercial Road near to the City Centre of Hereford. It is a well-established business, with a solid customer base and also attracts passing trade due to its location. It is centred around other local takeaway, restaurants, pubs, clubs and bars. It provides hot food during the customers during the working day and through to the late evening. The premises seek to apply to extend its late-night hours until 05:00hrs every day from Monday through to Sunday.

It is recognised that the premises is located within the area covered by the Local Authority's Special Cumulative Impact Policy - commonly referred to as the 'CIZ'. The premises is intended to promote the licensing objectives of Herefordshire Council. Steps to promote the licensing objectives will be explained in Section 16.

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PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

Yes No

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

See guidance on regulated entertainment

Continued from previous page...

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

Yes

No

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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

MONDAY

23.00
Start
Start

End
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

23.00
Start
Start

End
End

WEDNESDAY

23.00
Start
Start

End
End

THURSDAY

23.00
Start
Start

End
End

FRIDAY

23.00
Start
Start

End
End

SATURDAY

23.00
Start
Start

End
End

SUNDAY

23.00
Start
Start

End
End

Continued from previous page...

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.

Authorisation is sought to extend the hours for provision of hot food until 05:00hrs Monday to Friday thereby extending the previous closing time of 03:30hrs to 05:00hrs.

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 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.

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SUPPLY OF ALCOHOL

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

- Yes No

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ADULT ENTERTAINMENT

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

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

Not applicable

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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

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.

Continued from previous page...

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

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

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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.

To promote all four licensing objectives, the business will ensure that all staff members are aware of the objectives and aware how to fulfill them. All staff members would be trained and a manual covering the objectives would be clearly placed within the premises for staff members to refer to as and when needed.

b) The prevention of crime and disorder

The Premises has its own CCTV which has been installed to the specifications and recommendations of the local police. Images will be retained for 31 days as has been requested under the current conditions. CCTV will also be recording at all times the premises are open for licensable activity with times and dates visible and accurate. CCTV will be correctly maintained and any failure of the CCTV unit will be reported to the local police immediately. Door supervisors are to be provided as indicated within the application on a risk assessed basis with required times at busy periods and on Fridays and Saturday nights at set times. A register of Door Supervisors will be kept on the premises, as in line with the current conditions attached to the premises.

c) Public safety

For Public Safety, all staff members shall be in clothing that will be clearly identifiable. All electrical/ Gas services 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. Maintenance, Repair and Cleanliness shall be monitored on a daily basis. The premises must be cleaned regularly and prior closing the business the premises must be left in a clean state, especially outside. The Premises will also ensure that there is sufficient lighting to enable customers to move around safely.

d) The 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

Continued from previous page...

the public to respect the needs of local residents and to leave the premises and the area quietly.
Adequate waste 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 staff will also 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.

e) The protection of children from harm

Staff will monitor customers coming in and out of the premises. Under age children or those assessed to be vulnerable would be reported to the authorities where appropriate.

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NOTES ON REGULATED ENTERTAINMENT

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In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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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
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

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

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

Continued from previous page...

* 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

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

Premises licence number PR01581 (App to Transfer Premise Licence)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Munchies 59 Commercial Road	
Post town HEREFORD	Postcode HR1 2BD
Telephone number 01432 341341	

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

Licensable activities authorised by the licence (All indoors unless otherwise stated) Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities Monday-Sunday: 23:00 - 03:30

The opening hours of the premises Monday-Sunday: 10:00 - 03:30
--

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 Hereford Munchies Limited 59a Commercial Road Hereford HR1 2BP [REDACTED] [REDACTED]
--

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

10353474

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 objectives

General: Not applicable

Prevention of Crime & Disorder

The premises licence holder will ensure that a minimum of 2 (two) SIA registered door supervisors will be employed at the premises on Friday and Saturday from midnight until the end of licensable activities. Where the premises is licensed until 0430hrs, the same principle will apply (2 x door supervisors employed from midnight to the end of licensable activities).

At all other times SIA registered door supervisors will be employed on a risk assessed basis

Annex 3 - Conditions attached after a hearing by the licensing authority on 21 May 2013

NON STANDARD TIMINGS

An application for non-standard times was refused.

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

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

Licensing Section, Herefordshire Council

PO Box 233, Hereford, HR1 2ZF

equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

2. The Premises Licence Holder 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.

3. 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

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

5. Adequate 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 exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.

6. 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

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

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

9. The premises will be served by no less than three tills with staff to operate same at peak times (11:00 pm – 1:30 am Friday, Saturday and Sunday before Bank Holiday Monday) of service to ensure a fast throughput of customers.

Annex 4 - Plans

As attached

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

Premises licence number PR01581 (App to Transfer Premise Licence)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Munchies 59 Commercial Road	
Post town HEREFORD	Post code HR1 2BP
Telephone number 01432 341341	

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

Licensable activities authorised by the licence Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities Monday-Sunday: 23:00 - 03:30

The opening hours of the premises Monday-Sunday: 10:00 - 03:30
--

Name, (registered) address of holder of premises licence Hereford Munchies Limited 59a Commercial Road Hereford HR1 2BP

Registered number of holder, for example company number, charity number (where applicable) 10353474

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

Protection of Children:

Restricted access to hazardous areas including the kitchen

From: [Mooney.James](#)
To: [Licensing](#)
Cc: [Reynolds.Duncan](#)
Subject: Munchies, Commercial Road, Hereford - variation application
Date: 22 September 2017 10:56:57

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a premises called Munchies, Commercial Road, Hereford. This premises is licensed for late night refreshment and is licensed to operate until 0330hrs. The application is to extend these hours to the maximum of 0500hrs.

West Mercia Police OBJECT to this application.

The location of this premises is within an area that forms part of the special cumulative impact policy contained in the licensing policy of Herefordshire Council. The reasons for this policy are contained with the council licensing policy and the rationale for having such a policy is contained with the guidance issued under S182 of the Licensing Act 2003.

The grounds for the police objection will be supplied in greater detail if this matter progresses to a licensing hearing, however at this time the police stance is as follows (not exclusively) :

- 1.To grant these extend hours will undermine the special policy and therefore will impact in a negative way with regards to the promotion of the licensing objectives and in particular that of the prevention of crime and disorder.
2. There is recent recorded history of non compliance of the current licensing conditions which have resulted in verbal interventions and a written warning by the Licensing Authority. These failures have had a direct impact on police crime investigation and therefore undermine the licensing objectives.
3. The location of the premises is near to a number of other licensed late night refreshment venues who have staggered closing times in order to allow gradual dispersal of members of the public frequenting the area. The change of hours undermine the licensing objectives and likely result in numbers remaining in the area with the potential of crime, disorder and nuisance.
4. Whilst the applicant has recognised the need for the special policy, he has failed in the opinion of West Mercia Police to show what further steps could be applied to promote the licensing objectives and not undermine the special policy.

As indicated additional information to support the police objection will be supplied in a timely manner if this matter progresses to a licensing hearing.

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.

