

# Agenda

## Licensing sub-committee

Date: **Friday 15 March 2019**

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Time: **10.00 am**

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

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

For any further information please contact:

**Caroline Marshall, Democratic Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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

# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor CR Butler  
Councillor PGH Cutter  
Councillor J Hardwick

## Agenda

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1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p><b>APPLICATION TO TRANSFER A PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003</b></p> <p>To consider an application to transfer the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.</p>	11 - 32
5.	<p><b>APPLICATION TO BE THE DESIGNATED PREMISES SUPERVISOR ON THE PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003</b></p> <p>To consider an application to be the Designated Premises Supervisor (DPS) on the premises licence in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.</p>	33 - 54
6.	<p><b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: RUBIX, 32 UNION STREET, HEREFORD. HR1 2BT- LICENSING ACT 2003</b></p> <p>To consider an application for a variation of a premises licence in respect of Rubix, 32 Union Street, Hereford. HR1 2BT.</p>	55 - 98
7.	<p><b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: 'MRH LEDBURY, THE HOMEND, LEDBURY. HR8 1BS'- LICENSING ACT 2003</b></p> <p>To consider an application for a variation of a premises licence in respect of 'MRH Ledbury, The Homend, Ledbury. HR8 1BS'.</p>	99 - 142





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

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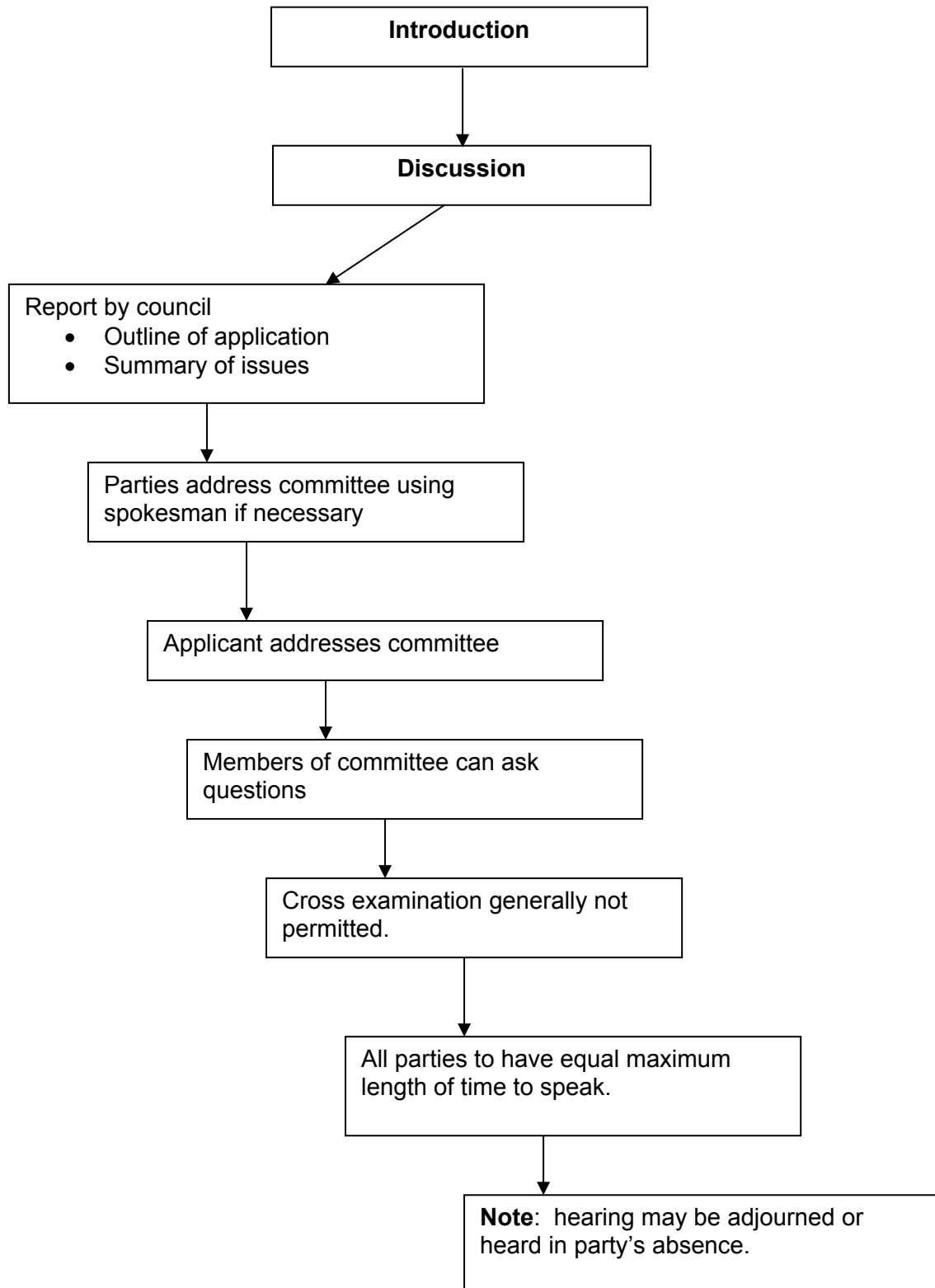
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## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>Friday 15 March 2019</b>
<b>Title of report:</b>	<b>Application to transfer a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Belmont

## Purpose

To consider an application to transfer the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.

## Recommendation

That:

**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 objective of the prevention of crime & disorder,**
- **The application for transfer and any further supporting information,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representation (including supporting information) presented by the police**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

## Options

1. There are two options open to the sub-committee
  - Grant the application for transfer or
  - Refuse the application

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. The application for the transfer of the premises licence has received a relevant representation from the police and is brought before the committee for determination.

Applicant	Hersh Omar Mohammad 51 Oban Drive, Blackburn, BB1 2JE	
Agent	June Clarke of JMC Licensing Consultants	
Type of application: Transfer	Date police notified: 6 February 2019	14 Days consultation ended 20 February 2019

## Summary of Application

4. The licence was surrendered on 4 February 2019. There is provision under the Act which allows the licence to be re-instated, if an application is received within 28 days. Such application was received by June Clarke of JMC Licensing Consultants on behalf of Mr Mohammad.
- 5.
6. The transfer of the premises licence can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Hersh Omar Mohammad is already the holder of the licence.

## Premises History

7. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
8. On 22 November 2016 a joint operation involving West Mercia Police and Herefordshire Council Trading Standards was undertaken which resulted in a large quantity (apprx. ¼ of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
9. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.
10. As a result the police launched an expedited review on 25 November 2016.



11. The licence was suspended on 29 November following the expedited review hearing before this committee.
12. A full review hearing was held on 15 December and the committee revoked the premises licence.
13. A new application was made for a premises licence on 18 February 2017 following the premises having been sold to Hardi Mohammed
14. Representations were received from West Mercia Police and Trading Standards.
15. The representations were agreed and as a result the licence was issued.
16. On the 12 December 2018, a joint Police, HM Revenue and Customs and UK Border. Agency operation took place at Mila, 102 Belmont Road, Hereford. A quantity of non-duty paid alcohol was found at the premises.
17. On 11 January 2019 an application to review the premise licence was received from West Mercia Police

### **Current Licence**

18. The current licence (appendix 2) authorises the following licensable activities during the hours shown:
19. Supply/Sale of Alcohol (For consumption off Premises)  
Monday - Sunday 08:00-24:00
20. The licence is also subject to a number of conditions.

### **Summary of Representations**

21. The police are the only responsible authority that can object to the transfer and have done so (appendix 3).

## **Community Impact**

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

## **Equality duty**

23. 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.
24. 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.

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

## Financial implications

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

## Legal Implications

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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'.

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

31. The committee's attention is drawn to the Section 182 Guidance which states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- b. for the sale and distribution of illegal firearms;

- c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- e. for prostitution or the sale of unlawful pornography;
- f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
- g. for the organisation of racist activity or the promotion of racist attacks;
- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

## **Right of Appeal**

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

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and by the premises licence holder once notified of the licensing authority's decision.

## **Risk Management**

33. 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**

34. The police are the only responsible authorities that can object.

## **Appendices**

Appendix 1 - Application for transfer of the premises licence  
Appendix 2 - Current Premises Licence  
Appendix 3 – Police representation

## **Background Papers**

None



**Application to transfer premises licence to be granted 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 Mr Hersh Omar Mohammad

*(Insert name of applicant)*

**apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number**

PR01758

**Part 1 – Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Mila 102 – 104 Belmont Road	
<b>Post town</b> Hereford	<b>Post code</b> HR1 7JS
<b>Telephone number at premises (if any)</b> 07474 140114	

<b>Please give a brief description of the premises (see note 1)</b> Licensed retail continental convenience shop.
--

<b>Name of current premises licence holder</b> No Premises Licence Holder
--

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick  yes

- |   |   |
|---|---|
| a) an individual or individuals*                  | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *            | <input type="checkbox"/>  |
| i. as a limited company                           |   |
| ii. as a partnership                              | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or          | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                              | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                      | <input type="checkbox"/> please complete section (B)            |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B)            |

- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**  **First names**

**Date of birth**  **I am 18 years old**  Please tick  yes

**Nationality**

**Current residential address if different from premises address**

**Post town**  **Post code**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>

**Date of birth** **I am 18 years old or over** Please tick  yes

**Nationality**

**Current residential address if different from premises address**

<input type="text"/>
----------------------

**Post town**  **Post code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Please tick  yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day		Month		Year	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick  yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

The original Premises Licence has been surrendered

Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick  yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

The original Premises Licence has been surrendered

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

**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.**

**It is an offence under section 24b of the immigration act 1971] for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the**



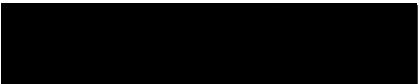
immigration, asylum and nationality act 2006 and, pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

**Part 4 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

5<sup>th</sup> February 2019

Capacity Agent on behalf of the applicant

**For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) JMC Licensing Warrington Borough Council Long Lane	
<b>Post town</b> Warrington	<b>Post Code</b> WA2 8TX
<b>Telephone number (if any)</b> 07834 529 712	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> info@licensinghouse.co.uk	





LICENSING ACT 2003  
Part A - Premises Licence

Premises licence number - PR01758 (App to Review Premise Licence)

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila**  
**102-104 Belmont Road**  
**Hereford**  
**Herefordshire**  
**HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

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

**For consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**  
[Redacted]

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

Registered Number: **Not applicable**

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

**Hardi Mohammed**  
[Redacted]

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 –** [Redacted]  
**Issuing Authority –** [Redacted]

**Annex 1 - Mandatory conditions**

**Mandatory conditions where licence authorises supply of alcohol**

**Age verification**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

#### **Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

#### **Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Annex 2 - Conditions consistent with the operating Schedule**

#### **Licensing conditions**

##### **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, 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

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes 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

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.

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

### **Public Safety**

### **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 and the area quietly.

### **Protection of Children from Harm**

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.

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.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Hearing date: Thursday 2<sup>nd</sup> November 2017**

No later than 14 days from the date that this condition first appears on the licence, the premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. Provided that in respect of the street facing windows any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass) This will mean at least 50% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of windows and doors, as well as any other item within the shop which obstructs the view through the window.

The committee also agreed that condition 5 (immigration) could be removed as the condition was obsolete

**Annex 4 - Plans**  
**As attached – dated 17.02.2017**

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

**Premises licence number - PR01758 (App to Review Premise Licence)  
Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

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

**For consumption off the premises**



**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**  


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

Registered Number: **Not applicable**

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

**Hardi Mohammed**

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

**The premises shall operate a Challenge 25 Policy**



**From:** [Mooney, James](#)  
**To:** [Spriggs, Fred](#); [Licensing](#)  
**Cc:** [Reynolds, Duncan](#)  
**Subject:** Mila, Belmont Road, Hereford - variation applications - Police objection notices  
**Date:** 11 February 2019 11:35:22

---

West Mercia Police are in receipt of applications for **Mila, Belmont Road, Hereford**. The applications are to transfer the premises licence to a Hersh Omar MOHAMMED and to specify him as the designated premises supervisor.

This premises is currently subject to a Police lead review with regards to the sale of non duty paid alcohol.

West Mercia Police are aware that the premises licence was surrendered to the Licensing Authority on 05 February 2019.

**West Mercia Police OBJECT to the applications to transfer the premises licence to Mr MOHAMMED and to specify him as the designated premises supervisor.**

West Mercia Police are aware that Mr MOHAMMED has been involved in the running of the premises since September 2018 and in October the same year stated he was the manager and was looking to buy the business. It is the view of West Mercia Police was in a position of responsibility and likely involved in the day to day running of the business and therefore would have been aware of the the items found at the premises that are now subject of the Police review application.

It is the view of West Mercia Police that to allow the transfer of the premises licence and ultimately the naming of Mr MOHAMMED as the designated premises supervisor will undermine the licensing objective of the prevention of crime and disorder.

Regards

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

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.





<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>Friday 15 March 2019</b>
<b>Title of report:</b>	<b>Application to be the Designated Premises Supervisor on the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Belmont

## Purpose

To consider an application to be the Designated Premises Supervisor (DPS) on the premises licence in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.

## Recommendation

That:

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 objective of the prevention of crime & disorder,
- The application for transfer and any further supporting information,
- The guidance issued to local authorities under the Licensing Act 2003,
- The representation (including supporting information) presented by the police
- The Herefordshire Council Statement of Licensing Policy 2015 - 2020.

## Options

1. There are two options open to the committee
  - Grant the application for transfer or
  - Refuse the application

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. The application for the change of designated premises supervisor has received a relevant representation from the police and is brought before the committee for determination.

Applicant	Hersh Omar Mohammad	
Agent	June Clarke of JMC Licensing Consultants	
Type of application: Vary DPS	Date police notified: 6 February 2019	14 Days consultation ended 20 February 2019

## Summary of Application

4. The application for the change of designated premises supervisor and the consent form are attached at appendix 1.
5. The change of designated premises supervisor can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Hersh Omar Mohammad is already performing that role.

## Premises History

6. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
7. On 22 November 2016 a joint operation involving West Mercia Police and Herefordshire Council Trading Standards was undertaken which resulted in a large quantity (approx. ¼ of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
8. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.
9. As a result the police launched an expedited review on 25 November 2016.
10. The licence was suspended on 29 November following the expedited review hearing before this sub-committee.

11. A full review hearing was held on 15<sup>th</sup> December and this sub-committee revoked the premises licence.
12. A new application was made for a premises licence on 18 February 2017 following the premises having been sold to Hardi Mohammed
13. Representations were received from West Mercia Police and Trading Standards.
14. The representations were agreed and as a result the licence was issued.
15. On the 12 December 2018, a joint Police, HM Revenue and Customs and UK Border. Agency operation took place at Mila, 102 Belmont Road, Hereford. A quantity of non-duty paid alcohol was found at the premises.
16. On 11 January 2019 an application to review the premise licence was received from West Mercia Police

### **Current Licence**

17. The current licence (appendix 2) authorises the following licensable activities during the hours shown:
18. Supply/Sale of Alcohol (Off Premise)  
Monday - Sunday 08:00-24:00
19. The licence is also subject to a number of conditions.

### **Summary of Representations**

20. The police are the only party that can object to the change of designated premises supervisor and have done so (appendix 3).

## **Community Impact**

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

## **Equality duty**

22. 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.
23. 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.

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

## Financial implications

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

## Legal Implications

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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'.
30. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
31. The committee's attention is drawn to the Section 182 Guidance which states:
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - b. for the sale and distribution of illegal firearms;
  - c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - e. for prostitution or the sale of unlawful pornography;



- f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
- g. for the organisation of racist activity or the promotion of racist attacks;
- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

32. Section 37 of the Licensing Act 2003 only permits application for a change of designated premises supervisor to be made by the premises licence holder.

## **Right of Appeal**

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

An appeal may be made within 21 days to the Magistrates Court by the police and also by the premises licence holder once notified in writing of the licensing authority's decision.

## **Risk Management**

34. 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**

35. The police are the only responsible authority that can object.

## **Appendices**

Appendix 1 - Application for change of designated premises supervisor and consent

Appendix 2 - Current Premises Licence

Appendix 3 – Police representation

## **Background Papers**

None



**Application to transfer premises licence to be granted 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 Mr Hersh Omar Mohammad

*(Insert name of applicant)*

**apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number**

PR01758

**Part 1 – Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Mila 102 – 104 Belmont Road	
<b>Post town</b> Hereford	<b>Post code</b> HR1 7JS
<b>Telephone number at premises (if any)</b> 07474 140114	

<b>Please give a brief description of the premises (see note 1)</b> Licensed retail continental convenience shop.
--

<b>Name of current premises licence holder</b> No Premises Licence Holder
--

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick  yes

- |   |   |
|---|---|
| a) an individual or individuals*                  | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *            | <input type="checkbox"/>  |
| i. as a limited company                           |   |
| ii. as a partnership                              | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or          | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                              | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                      | <input type="checkbox"/> please complete section (B)            |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B)            |



**SECOND INDIVIDUAL APPLICANT** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>

**Date of birth**  **I am 18 years old or over**  Please tick  yes

**Nationality**

**Current residential address if different from premises address**

**Post town**  **Post code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Please tick  yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day		Month		Year	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tick  yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

The original Premises Licence has been surrendered

Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick  yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

The original Premises Licence has been surrendered

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

**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.**

**It is an offence under section 24b of the immigration act 1971] for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the**

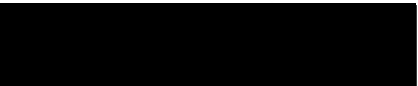
immigration, asylum and nationality act 2006 and, pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

**Part 4 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

5<sup>th</sup> February 2019

Capacity Agent on behalf of the applicant

**For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) JMC Licensing Warrington Borough Council Long Lane	
<b>Post town</b> Warrington	<b>Post Code</b> WA2 8TX
<b>Telephone number (if any)</b> 07834 529 712	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> info@licensinghouse.co.uk	







LICENSING ACT 2003  
Part A - Premises Licence

Premises licence number - PR01758 (App to Review Premise Licence)

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

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

**For consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**  
[Redacted]

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

Registered Number: **Not applicable**

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

**Hardi Mohammed**  
[Redacted]

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 –** [Redacted]  
**Issuing Authority –** [Redacted]

**Annex 1 - Mandatory conditions**

**Mandatory conditions where licence authorises supply of alcohol**

**Age verification**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing conditions**

#### **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, 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

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes 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

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.

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

### **Public Safety**

### **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 and the area quietly.

### **Protection of Children from Harm**

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.

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.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Hearing date: Thursday 2<sup>nd</sup> November 2017**

No later than 14 days from the date that this condition first appears on the licence, the premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. Provided that in respect of the street facing windows any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass) This will mean at least 50% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of windows and doors, as well as any other item within the shop which obstructs the view through the window.

The committee also agreed that condition 5 (immigration) could be removed as the condition was obsolete

**Annex 4 - Plans**  
**As attached – dated 17.02.2017**

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

**Premises licence number - PR01758 (App to Review Premise Licence)  
Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

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

**For consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**  
[Redacted]

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

Registered Number: **Not applicable**

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

**Hardi Mohammed**

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

**The premises shall operate a Challenge 25 Policy**





**From:** [Mooney, James](#)  
**To:** [Spriggs, Fred](#); [Licensing](#)  
**Cc:** [Reynolds, Duncan](#)  
**Subject:** Mila, Belmont Road, Hereford - variation applications - Police objection notices  
**Date:** 11 February 2019 11:35:22

---

West Mercia Police are in receipt of applications for **Mila, Belmont Road, Hereford**. The applications are to transfer the premises licence to a Hersh Omar MOHAMMED and to specify him as the designated premises supervisor.

This premises is currently subject to a Police lead review with regards to the sale of non duty paid alcohol.

West Mercia Police are aware that the premises licence was surrendered to the Licensing Authority on 05 February 2019.

**West Mercia Police OBJECT to the applications to transfer the premises licence to Mr MOHAMMED and to specify him as the designated premises supervisor.**

West Mercia Police are aware that Mr MOHAMMED has been involved in the running of the premises since September 2018 and in October the same year stated he was the manager and was looking to buy the business. It is the view of West Mercia Police was in a position of responsibility and likely involved in the day to day running of the business and therefore would have been aware of the the items found at the premises that are now subject of the Police review application.

It is the view of West Mercia Police that to allow the transfer of the premises licence and ultimately the naming of Mr MOHAMMED as the designated premises supervisor will undermine the licensing objective of the prevention of crime and disorder.

Regards

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

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.





<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>15 March 2019</b>
<b>Title of report:</b>	<b>Application for a variation of a premises licence in respect of: Rubix, 32 Union Street, Hereford. HR1 2BT- Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## 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 Rubix, 32 Union Street, Hereford. HR1 2BT.

## 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;

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Further information on the subject of this report is available from  
Fred Spriggs – Licensing Officer 01432 261761

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### 3. Licence Application

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

4. The details of the application are:

Applicant	James Smith	
Agent	Not Known	
Type of application: Variation	Date received: 22 January 2019	28 Days consultation ended 18 February 2019

## Summary of Application

5. The application (appendix 1) requests a variation to the premises licence as follows:
  - To add an outside bar in the “smoking area” as indicated on the amended plan
  - To vary the last entry time from 01:00 as it is currently to 02:30
6. In addition to this, the application requests to be allowed to remove a condition relating to SIA door staff and replace with a SIA condition that is more flexible.

## Premises History

7. Previously the premises has been licensed as Bar Spirit, Shake & Stir and since 20 October 2017 the premises has been known as Rubix:

A variation was received on 8 May 2018 to vary licensable activity timings.

The licence was granted on 14 June 2018 and reads as shown below for the current licence.

## Current Licence

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

### Live Music, Recorded Music, Sale/Supply of Alcohol

Sunday – Wednesday 11:00 – 01:00

Thursday 11:00 – 02:00

Friday – Saturday 11:00 – 03:45

### Late Night Refreshment

Sunday – Wednesday 23:00 – 01:00

Thursday 23:00 – 02:00

Friday – Saturday 23:00 – 03:45

### Non Standard Timings

10:00 New Years Eve to the start of permitted hours on the following day.

11:00-03:45 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.

### **Summary of Representations**

9. Two (2) Objections have been received from the Responsible Authorities, West Mercia Police – appendix 3 and Environmental Protection – appendix 4. The applicant has engaged with both responsible authorities and has agreed additional conditions with West Mercia Police (appendix 5).

### **Community Impact**

10. The premises falls within the heart of the Herefordshire Council Cumulative Impact Policy as shown within paragraph A7 of the Special Policy.
11. The cumulative impact policy creates a rebuttal presumption that all applications will be refused unless it can be shown that by granting the licence there will be no adverse effect on the promotion of the licensing objectives.

### **Equality duty**

12. 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.
13. 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.
14. There are not considered to be any equalities implications arising from this report.

## Financial implications

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

## Legal Implications

16. 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.
17. 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.
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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
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.
23. The case of Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.
24. This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.
25. The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.

26. The matter was further appealed to the High Court by way of case stated.
27. Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'
28. In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.

## **Right of Appeal**

29. Schedule 5 gives a right of appeal which states

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision

## **Risk Management**

30. 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**

31. 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 Premises Licence
- Appendix 3 - West Mercia Police Objection
- Appendix 4 - Environmental Protection Objection
- Appendix 5 - Agreed additional West Mercia Police conditions

## **Background Papers**

None





**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 James Smith

*(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**

<b>Premises licence number</b> PR00508
---

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Rubix Bar 32 Union Street			
Post town	Hereford	Postcode	HR1 2BT

Telephone number at premises (if any)	01432 342663
Non-domestic rateable value of premises	£15,000

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
[REDACTED]	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

**Part 3 - Variation**

Please tick as appropriate

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

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

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

**To add an outside bar in the “smoking area” as indicated on the amended plan**

**To remove the conditions relating to SIA**

*On Fridays, Saturdays and all other days licensed to remain open until 0345hrs or later in the case of New Year’s Eve a minimum of 2 (two) SIA Licensed Door Supervisors shall be employed at the premises from 21:00 hours until the termination of licensable activities. One extra door supervisor will be required per 100 ratio thereafter. When employed externally SIA registered Door Supervisors shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as SIA registered Door Supervisors*

*1 (one) SIA registered Door Supervisor shall be deployed at main entrance to the premises From 21:30 hours to termination of licensable activities.*

*The DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary.*

**And replace the conditions with**

*The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an ‘authorised person’ (as defined by Section 13 of the Licensing Act 2003) or the Police*

**To remove the condition**

*No admissions for new customers will be allowed to the premises after 0100hrs.*

**And replace with**

*No admissions for new customers will be allowed to the premises after 02:30hrs.*

**I have considered that my premise is in the CIZ and to help promote the licensing objectives.**

**A film will be put on the beer garden windows so people cannot see in from the road.**

**I have also considered the Prevention of Crime and Disorder objective and feel that as my premise hasn’t had any incidents of Crime & Disorder since being re-branded as Rubix then replacing the SIA condition to a risk assessed basis is proportionate along with extending the last entry time to 02:30hrs. Amending the SIA condition allows us to meet the security needs of the establishment as required rather than set times which are not always applicable. Allowing the last entry time to be extended will help crowd control for premises within the CIZ thus reducing the risk**

**of crime and disorder in the streets. Also with the last entry time being extended it will reduce the risk of confrontation for my staff.  
Licensable activities/timings and all other conditions will remain the same**

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.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day    Start    Finish				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed			<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 7)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Fri			<b><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></b> (please read guidance note 7)		
Sat			<b><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></b> (please read guidance note 7)		
Sun			<b><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></b> (please read guidance note 7)		

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 5)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<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 7)
Wed			
Thur			
Fri			
Sat			
Sun			

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

Please tick as appropriate

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

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

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



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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

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

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

No admissions for new customers will be allowed to the premises after 02:30hrs.

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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, 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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>James Smith</i>
Date	08..01.2019
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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

## Notes for Guidance

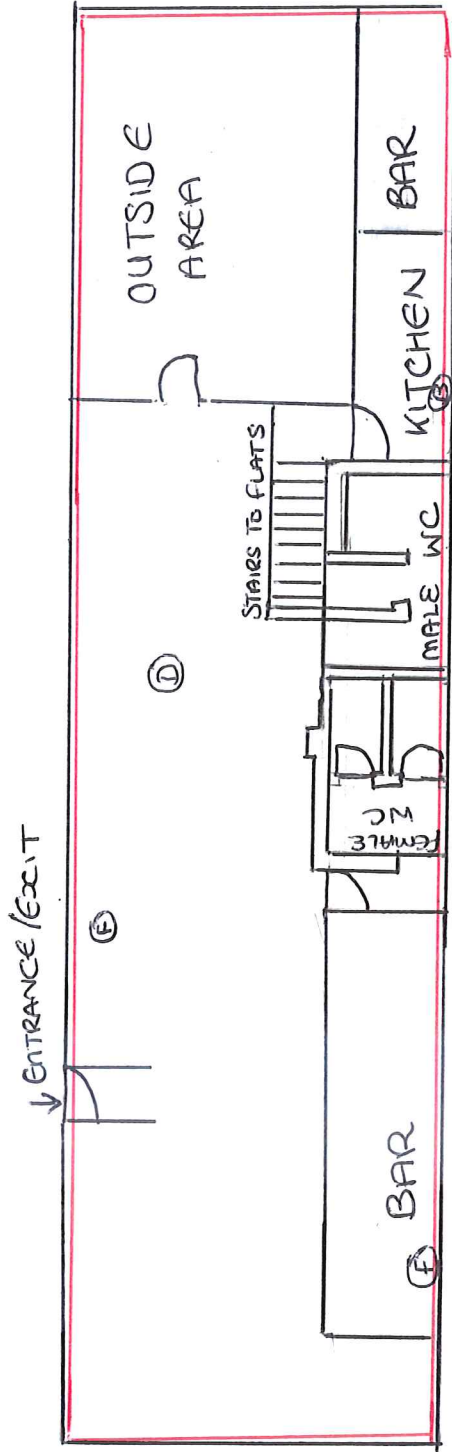
**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.
  - 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:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Rubix, 32 Union Street, Hereford



Key:

(F) = foam fire extinguisher

(B) = fire Blanket

(D) = fire/smoke Detector

— = Licensable Activity Area & Consumption of Alcohol area.



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

**Premises licence number PR00508 (App to Vary Premise DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>RUBIX BAR 32 UNION STREET</b>	
Post town <b>HEREFORD</b>	Postcode <b>HR1 2BT</b>
Telephone number <b>01432 342663</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) <b>Live Music (Indoors) Recorded music (Indoors) Late Night Refreshment (Indoors &amp; outdoors) Sale/Supply of Alcohol (Consumption on and off the premises)</b>
--

The times the licence authorises the carrying out of licensable activities <b><u>Live Music, Recorded Music, Sale/Supply of Alcohol</u> Sunday – Wednesday 11:00 – 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 03:45  <u>Late Night Refreshment</u> Sunday – Wednesday 23:00 – 01:00 Thursday 23:00 – 02:00 Friday – Saturday 23:00 – 03:45  <u>Non Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day.  11:00-03:45 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
---

The opening hours of the premises <b>Sunday – Wednesday - 11:00 - 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 04:15  <u>Non-Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day. 11:00-04:15 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
--

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

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

**Consumption on and off the premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr James Smith  
52 Eign Road  
Hereford  
HR1 2RX**

**07967 709017**

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

**Rebecca Macrae**

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:  
Issuing authority: Herefordshire Council**

## Annex 1 - Mandatory conditions

### Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Additional mandatory conditions:

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

### Sale of alcohol below permitted price

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



A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

#### **Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Smaller measures**

The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **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**

#### **General**

#### **Prevention of Crime & Disorder**

The premises licence holder/DPS must be a member of the pub watch scheme, which operates an early warning system, at all times.

On Fridays, Saturdays and all other days licensed to remain open until 0345hrs or later in the case of New Year's Eve a minimum of 2 (two) SIA Licensed Door Supervisors shall be employed at the premises from 21:00 hours until the termination of licensable activities.

One extra door supervisor will be required per 100 ratio thereafter. When employed externally SIA registered Door Supervisors shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as SIA registered Door Supervisors

1 (one) SIA registered Door Supervisor shall be deployed at main entrance to the premises from 21:30 hours to termination of licensable activities.

The DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary.

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall 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 authorised officer of the SIA.

All drinks of 330ml or more will be served in toughened, tempered or polycarbonate drinking vessels. As other glass supplies are replenished, they will be replaced with toughened, tempered or polycarbonate drinking vessels.

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 a recordable format EITHER DISC or VHS to the Police/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/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

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) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any refusal of sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) the minimum details to be taken in the log is date and time of incident or visit, description of incident or visit, name of any witness if possible

A personal licence holder shall be on duty within the licensed area of the premises after 8pm each day when the premises operates for the sale of alcohol.

The Premises Licence Holder/DPS shall successfully complete the BBAB NCPLH level 2 (or recognised equivalent).

All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining every 6 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

1. Drugs Awareness
2. Conflict resolution
3. Selling to under age person
4. Selling to drunks
5. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

No admissions for new customers will be allowed to the premises after 0100hrs.

No open containers will be removed from the premises.

### **Public Safety**

All staff shall wear either clothing with a staff logo or a lanyard with a staff badge and company logo attached which identifies them as members of staff of the premises.

### **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

The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

### **Special Effects**

The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.

The use of foam shall not be permitted without prior notification, in writing, to the Licensing Authority.

All exits doors must be capable of being opened without the use of a key, card, code or similar means.

Doors must be checked at least every 24 hours to ensure that they are capable of being opened. A record of this check shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

#### Capacity limits

The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

The capacity limit for the premises shall be: 120  
Inside 80, Beer Garden 40,

#### Prevention of Public Nuisance

The external area of the licensed premises shall not be used by customers after 0230hrs save for smoking. This will mean no alcohol is taken into this area after 0230hrs. Steps shall be put in place to ensure that customers using this area after this time do not remain in this area after they have finished smoking.

Any speaker within the premises shall be directed away from any residential property

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an authorised person. (as defined by Section 13 of the Licensing Act 2003) or the Police.

Live or Recorded music shall be restricted to the internal areas only

No regulated entertainment will take place in external areas on any day after 24:00hrs (midnight)

After 24:00hrs, any external areas of the premises used for licensable activities shall be monitored by the designated premises supervisor or appointed member of staff, to prevent public nuisance

Windows (in the public areas) at the premises shall be kept closed after 23:00hrs

All external doors (to the public areas) shall be kept closed after 23:00hrs except during immediate access and egress

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.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, and smoking area or similar, requesting the public to respect the needs of local residents and to be quiet

The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority

No waste such as bottles or refuse shall be placed outside the premises between 23:00hrs hours and 08.00hrs

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

**Protection of Children from Harm**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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 bar advertising the scheme operated.

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.

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).

No person under the age of 18 years shall be permitted to be on the premises after 1900 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS

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

Not applicable

**Annex 4 - Plans**

As attached

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

**Premises licence number PR00508 (App to Vary Premise DPS)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>RUBIX BAR 32 UNION STREET</b>	
Post town <b>HEREFORD</b>	Post code <b>HR1 2BT</b>
Telephone number <b>01432 342663</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) <b>Live Music (Indoors) Recorded music (Indoors) Late Night Refreshment (Indoors &amp; outdoors) Sale/Supply of Alcohol (Consumption on and off the premises)</b>
--

The times the licence authorises the carrying out of licensable activities <b><u>Live Music, Recorded Music, Sale/Supply of Alcohol</u> Sunday – Wednesday 11:00 – 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 03:45  <u>Late Night Refreshment</u> Sunday – Wednesday 23:00 – 01:00 Thursday 23:00 – 02:00 Friday – Saturday 23:00 – 03:45  <u>Non Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day.  11:00-03:45 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
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The opening hours of the premises

**Sunday – Wednesday - 11:00 - 01:00**

**Thursday 11:00 – 02:00**

**Friday – Saturday 11:00 – 04:15**

**Non-Standard Timings**

**10:00 New Years Eve to the start of permitted hours on the following day.**

**11:00-04:15 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.**

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

**For Consumption on and off the premises**

Name, (registered) address of holder of premises licence

**Mr James Smith**

**52 Eign Road**

**Hereford**

**HR1 2RX**

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

**Rebecca Macrae**

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

**The premises shall operate a Challenge 25 Policy**

**No adult entertainment or services or activities shall take place at the premises.**





**From:** [Mooney.James](#)  
**To:** [Licensing](#)  
**Cc:** [Reynolds.Duncan](#)  
**Subject:** Rubix Bar, Union Street, Hereford  
**Date:** 31 January 2019 10:07:59

---

**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of an application to vary the premises licence if a premises known as **Rubix, Union Street, Hereford.**

The application is to amend the existing plan by adding an external bar area, to remove a number of existing conditions and to amend similar conditions.

This premises is located in an area covered by the special cumulative impact policy contained in the licensing policy for Herefordshire District Council.

Whilst the applicant has recognised this policy, the view of West Mercia Police is that to grant this application will undermine the licensing objectives and the special cumulative impact policy.

**Therefore West Mercia Police OBJECT to this application.**

If this matter progresses to a licensing hearing West Mercia Police will provide further information to support their objection

Regards

**Jim Mooney - on behalf of Ps 3456 REYNOLDS**

Harm Reduction/Community Safety Dept.,  
Harm Reduction Coordinator,  
Herefordshire Policing Area  
West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)

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

[#destinationHereford](#)

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

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.



## MEMORANDUM

To : LICENSING OFFICER  
 From : Elisabeth Laughland  
 Tel : 01432 261864 My Ref : MPA/274328/PR00508  
 Date : Your Ref :

---

**LICENSING ACT 2003**  
**APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE**  
**Rubix Bar (formerly Shake & Stir) 32 Union Street, Hereford, Herefordshire, HR1 2BT**

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
<p><b>PREVENTION OF PUBLIC NUISANCE</b></p> <p>Environmental Health are aware of this premises already having a current noise impact on the area due to the entertainment music escaping the premises and being clearly audible in the area. The increase in customer entry times are likely to further increase the activities of people entering / exiting the premises so increasing the frequency of loud music breakout noise into the surrounding area. This is within noise sensitive hours (night-time 23:00 – 07:00 where a time after 01:00 becomes more noise sensitive), in an area where residential premises are in close proximity to the Licensed Premises.</p> <p>As a result of these concerns Environmental Health object to the proposed conditions on the ground of prevention of public noise nuisance.</p>	
PROTECTION OF CHILDREN FROM HARM	

### REFERENCES

Please Reference the industry guidance from which your representation has been sourced.



**ELISABETH LAUGHLAND**  
**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**  
**HEREFORDSHIRE COUNCIL**



## **Rubix - variation application**

Responding on behalf of Ps 3456 Reynolds.

As a result of a meeting and e-mail discussions with regards to this application the Police position is as followings:

The Police objection to this application will be withdrawn IF the applicant agrees to the following:

### **ALL existing conditions on the premises licence remain and will apply to the whole of the premises, including the external area, with the following amendments:**

- The last entry time for all customers will be 0230hrs. No re-entry will be allowed for any customers after this time. A written system will be put in place by the Premises licence Holder to allow 'late night economy workers' entry to the premises after 0230hrs on production of evidence that they are employed as part of the 'late night economy' and have come from their place of work.
- The premises licence holder will have in place a Dispersal Policy which will be produced on demand to the Police or any other 'authorised person' as per the Licensing Act 2003.

To ensure there is no misunderstanding, the existing conditions (as amended as above) will remain in place, these include the restriction on the use of the external area after 0230hrs, the requirement to use poly carbonate etc vessels over 330ml and replace existing stock etc., and the requirements with regards to door staff.

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**From:** james smith [<mailto:stagecoach-hereford@hotmail.co.uk>]  
**Sent:** 27 February 2019 11:18  
**To:** Mooney,James  
**Cc:** Reynolds,Duncan  
**Subject:** Re: Rubix variation

Dear Jim

I agree with all of your proposed conditions, thank you for your help in this matter.

Regards  
James Smith

Sent from my iPhone





<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>15 March 2019</b>
<b>Title of report:</b>	<b>Application for a variation of a premises licence in respect of: 'MRH Ledbury, The Homend, Ledbury. HR8 1BS'- Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Ledbury North

## Purpose

To consider an application for a variation of a premises licence in respect of 'MRH Ledbury, The Homend, Ledbury. HR8 1BS'.

## 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;

and for this purpose the conditions of the licence are modified if any of them is 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 relevant representations and is brought before the committee for determination.
4. The details of the application are:

Applicant	Malthurst Retail Limited Vincent House, 4 Grove Lane, Epping. CM16 4LH	
Agent	Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London. SE1 9BB	
Type of application: Variation	Date received: 3 January 2019 Re-start consultation 25 January 2019	28 Days consultation ended 30 January 2019 End of re-started consultation 21 February 2019

### Summary of Application

5. The application requests a variation to the premises licence as follows:

To Vary Sale/Supply of Alcohol  
Monday – Sunday  
24hrs

To add Late Night Refreshment  
Monday – Sunday  
23:00 – 05:00



6. The application also asked to amend the plan, remove embedded restrictions, remove conditions and replace with conditions that are enforceable and achievable
7. The applicant had to re-start the consultation period on 24<sup>th</sup> January 2019 (first day for consultation was 25<sup>th</sup> January 2019) due to not displaying blue notices at the premise which is a requirement under The Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005, Regulation 25.

### **Current Licence**

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

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

Monday – Sunday 06:00 – 23:00

### **Summary of Representations**

9. Two (2) representations have been received from the Responsible Authorities, West Mercia Police – appendix 3 and Trading Standards – appendix 4. These have not been agreed by the applicant. West Mercia Police’s current position with regards to their representation can be found at Appendix 5.

### **Community Impact**

10. Any decision is unlikely to have any impact on 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

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

## Legal Implications

16. As relevant representations have been received, the sub committee must determine this application in accordance with section 3.5.7 (e) of the Herefordshire Council constitution. The relevant representations are representations which relate to the likely effect of the grant of the application on the promotion of the licensing objectives. In determining the application, the sub committee must consider whether the granting of the variation would have the effect of promoting or damaging the licensing objectives.
17. The four licensing objectives are 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. The options available to the licensing authority are set out in section 1 of this report.
18. 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.
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.
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. Schedule 5 gives a right of appeal which states:

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

25. The decision of the licensing authority will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

26. 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**

27. 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 Premises Licence
- Appendix 3 - West Mercia Police Representation
- Appendix 4 - Trading Standards Representation
- Appendix 5 - West Mercia Police's current position with their representation

## **Background Papers**

None



**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 James Smith

*(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

<b>Premises licence number</b> PR00508
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Rubix Bar 32 Union Street			
Post town	Hereford	Postcode	HR1 2BT

Telephone number at premises (if any)	01432 342663
Non-domestic rateable value of premises	£15,000

**Part 2 – Applicant details**

Daytime contact telephone number	██████████		
██████████	██████████		
Current postal address if different from premises address	██████████		
Post town	██████████	Postcode	██████████

**Part 3 - Variation**

Please tick as appropriate

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

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

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

**To add an outside bar in the “smoking area” as indicated on the amended plan**

**To remove the conditions relating to SIA**

*On Fridays, Saturdays and all other days licensed to remain open until 0345hrs or later in the case of New Year’s Eve a minimum of 2 (two) SIA Licensed Door Supervisors shall be employed at the premises from 21:00 hours until the termination of licensable activities. One extra door supervisor will be required per 100 ratio thereafter. When employed externally SIA registered Door Supervisors shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as SIA registered Door Supervisors*

*1 (one) SIA registered Door Supervisor shall be deployed at main entrance to the premises From 21:30 hours to termination of licensable activities.*

*The DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary.*

**And replace the conditions with**

*The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an ‘authorised person’ (as defined by Section 13 of the Licensing Act 2003) or the Police*

**To remove the condition**

*No admissions for new customers will be allowed to the premises after 0100hrs.*

**And replace with**

*No admissions for new customers will be allowed to the premises after 02:30hrs.*

**I have considered that my premise is in the CIZ and to help promote the licensing objectives.**

**A film will be put on the beer garden windows so people cannot see in from the road.**

**I have also considered the Prevention of Crime and Disorder objective and feel that as my premise hasn’t had any incidents of Crime & Disorder since being re-branded as Rubix then replacing the SIA condition to a risk assessed basis is proportionate along with extending the last entry time to 02:30hrs. Amending the SIA condition allows us to meet the security needs of the establishment as required rather than set times which are not always applicable. Allowing the last entry time to be extended will help crowd control for premises within the CIZ thus reducing the risk**

**of crime and disorder in the streets. Also with the last entry time being extended it will reduce the risk of confrontation for my staff.  
Licensable activities/timings and all other conditions will remain the same**

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.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**



A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for <u>indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>																							
				Outdoors	<input type="checkbox"/>																							
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Both
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Sun																												
			<u>Please give further details here</u> (please read guidance note 5)																									
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)																									
			<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 7)																									

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Fri			<b><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></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<b><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></b> (please read guidance note 7)
Sat			
Sun			

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

Please tick as appropriate

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

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

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

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

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

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

No admissions for new customers will be allowed to the premises after 02:30hrs.

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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, 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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>James Smith</i>
Date	08..01.2019
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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

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

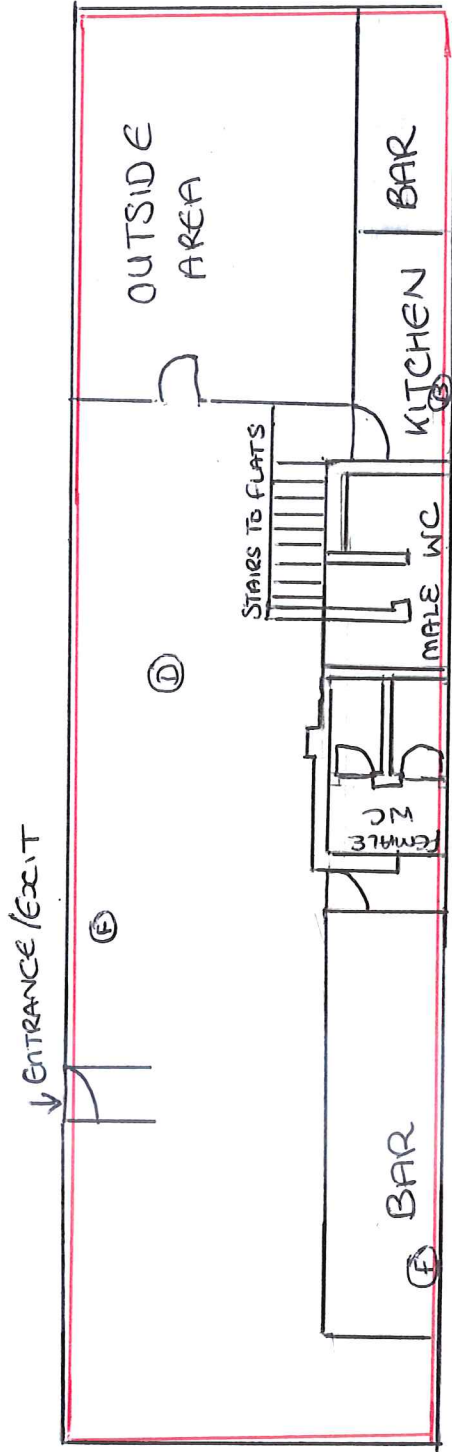
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.
  - 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:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.



12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Rubix, 32 Union Street, Hereford



Key:

(F) = foam fire extinguisher

(B) = fire Blanket

(D) = fire/smoke Detector

— = Licenseable Activity Area & Consumption of Alcohol area.



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

**Premises licence number PR00508 (App to Vary Premise DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description <b>RUBIX BAR 32 UNION STREET</b>	
Post town <b>HEREFORD</b>	Postcode <b>HR1 2BT</b>
Telephone number <b>01432 342663</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) <b>Live Music (Indoors) Recorded music (Indoors) Late Night Refreshment (Indoors &amp; outdoors) Sale/Supply of Alcohol (Consumption on and off the premises)</b>
--

The times the licence authorises the carrying out of licensable activities <b><u>Live Music, Recorded Music, Sale/Supply of Alcohol</u> Sunday – Wednesday 11:00 – 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 03:45  <u>Late Night Refreshment</u> Sunday – Wednesday 23:00 – 01:00 Thursday 23:00 – 02:00 Friday – Saturday 23:00 – 03:45  <u>Non Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day.  11:00-03:45 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
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The opening hours of the premises <b>Sunday – Wednesday - 11:00 - 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 04:15  <u>Non-Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day. 11:00-04:15 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
--

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

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

**Consumption on and off the premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr James Smith  
52 Eign Road  
Hereford  
HR1 2RX**

**07967 709017**

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

**Rebecca Macrae**

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:  
Issuing authority: Herefordshire Council**

## Annex 1 - Mandatory conditions

### Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Additional mandatory conditions:

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

### Sale of alcohol below permitted price

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

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

#### **Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Smaller measures**

The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **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**

#### **General**

#### **Prevention of Crime & Disorder**

The premises licence holder/DPS must be a member of the pub watch scheme, which operates an early warning system, at all times.

On Fridays, Saturdays and all other days licensed to remain open until 0345hrs or later in the case of New Year's Eve a minimum of 2 (two) SIA Licensed Door Supervisors shall be employed at the premises from 21:00 hours until the termination of licensable activities.

One extra door supervisor will be required per 100 ratio thereafter. When employed externally SIA registered Door Supervisors shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as SIA registered Door Supervisors

1 (one) SIA registered Door Supervisor shall be deployed at main entrance to the premises from 21:30 hours to termination of licensable activities.

The DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary.

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall 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 authorised officer of the SIA.

All drinks of 330ml or more will be served in toughened, tempered or polycarbonate drinking vessels. As other glass supplies are replenished, they will be replaced with toughened, tempered or polycarbonate drinking vessels.

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 a recordable format EITHER DISC or VHS to the Police/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/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

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) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any refusal of sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) the minimum details to be taken in the log is date and time of incident or visit, description of incident or visit, name of any witness if possible

A personal licence holder shall be on duty within the licensed area of the premises after 8pm each day when the premises operates for the sale of alcohol.

The Premises Licence Holder/DPS shall successfully complete the BBAB NCPLH level 2 (or recognised equivalent).

All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining every 6 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

1. Drugs Awareness
2. Conflict resolution
3. Selling to under age person
4. Selling to drunks
5. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

No admissions for new customers will be allowed to the premises after 0100hrs.

No open containers will be removed from the premises.

### **Public Safety**

All staff shall wear either clothing with a staff logo or a lanyard with a staff badge and company logo attached which identifies them as members of staff of the premises.

### **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

The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

### **Special Effects**

The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.

The use of foam shall not be permitted without prior notification, in writing, to the Licensing Authority.

All exits doors must be capable of being opened without the use of a key, card, code or similar means.

Doors must be checked at least every 24 hours to ensure that they are capable of being opened. A record of this check shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

#### Capacity limits

The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

The capacity limit for the premises shall be: 120  
Inside 80, Beer Garden 40,

#### Prevention of Public Nuisance

The external area of the licensed premises shall not be used by customers after 0230hrs save for smoking. This will mean no alcohol is taken into this area after 0230hrs. Steps shall be put in place to ensure that customers using this area after this time do not remain in this area after they have finished smoking.

Any speaker within the premises shall be directed away from any residential property

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an authorised person. (as defined by Section 13 of the Licensing Act 2003) or the Police.

Live or Recorded music shall be restricted to the internal areas only

No regulated entertainment will take place in external areas on any day after 24:00hrs (midnight)

After 24:00hrs, any external areas of the premises used for licensable activities shall be monitored by the designated premises supervisor or appointed member of staff, to prevent public nuisance

Windows (in the public areas) at the premises shall be kept closed after 23:00hrs

All external doors (to the public areas) shall be kept closed after 23:00hrs except during immediate access and egress

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.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, and smoking area or similar, requesting the public to respect the needs of local residents and to be quiet

The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority

No waste such as bottles or refuse shall be placed outside the premises between 23:00hrs hours and 08.00hrs



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

**Protection of Children from Harm**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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 bar advertising the scheme operated.

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.

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).

No person under the age of 18 years shall be permitted to be on the premises after 1900 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS

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

Not applicable

**Annex 4 - Plans**

As attached

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

**Premises licence number PR00508 (App to Vary Premise DPS)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>RUBIX BAR 32 UNION STREET</b>	
Post town <b>HEREFORD</b>	Post code <b>HR1 2BT</b>
Telephone number <b>01432 342663</b>	

Where the licence is time limited the dates <b>Not applicable</b>
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Licensable activities authorised by the licence (All indoors unless otherwise stated) <b>Live Music (Indoors) Recorded music (Indoors) Late Night Refreshment (Indoors &amp; outdoors) Sale/Supply of Alcohol (Consumption on and off the premises)</b>
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The times the licence authorises the carrying out of licensable activities <b><u>Live Music, Recorded Music, Sale/Supply of Alcohol</u> Sunday – Wednesday 11:00 – 01:00 Thursday 11:00 – 02:00 Friday – Saturday 11:00 – 03:45  <u>Late Night Refreshment</u> Sunday – Wednesday 23:00 – 01:00 Thursday 23:00 – 02:00 Friday – Saturday 23:00 – 03:45  <u>Non Standard Timings</u> 10:00 New Years Eve to the start of permitted hours on the following day.  11:00-03:45 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.</b>
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The opening hours of the premises

**Sunday – Wednesday - 11:00 - 01:00**

**Thursday 11:00 – 02:00**

**Friday – Saturday 11:00 – 04:15**

**Non-Standard Timings**

**10:00 New Years Eve to the start of permitted hours on the following day.**

**11:00-04:15 on Friday, Saturday, Sunday and Monday on Easter weekend, Whitson weekend, spring bank holiday, August bank holiday, Christmas Eve, Christmas Day and Boxing Day.**

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

**For Consumption on and off the premises**

Name, (registered) address of holder of premises licence

**Mr James Smith**

**52 Eign Road**

**Hereford**

**HR1 2RX**

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

**Rebecca Macrae**

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

**The premises shall operate a Challenge 25 Policy**

**No adult entertainment or services or activities shall take place at the premises.**



**From:** [Mooney.James](#)  
**To:** [Licensing](#)  
**Cc:** [Reynolds.Duncan](#)  
**Subject:** Rubix Bar, Union Street, Hereford  
**Date:** 31 January 2019 10:07:59

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**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of an application to vary the premises licence if a premises known as **Rubix, Union Street, Hereford.**

The application is to amend the existing plan by adding an external bar area, to remove a number of existing conditions and to amend similar conditions.

This premises is located in an area covered by the special cumulative impact policy contained in the licensing policy for Herefordshire District Council.

Whilst the applicant has recognised this policy, the view of West Mercia Police is that to grant this application will undermine the licensing objectives and the special cumulative impact policy.

**Therefore West Mercia Police OBJECT to this application.**

If this matter progresses to a licensing hearing West Mercia Police will provide further information to support their objection

Regards

**Jim Mooney - on behalf of Ps 3456 REYNOLDS**

Harm Reduction/Community Safety Dept.,  
Harm Reduction Coordinator,  
Herefordshire Policing Area  
West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)

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

[#destinationHereford](#)

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

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.



## MEMORANDUM

To : LICENSING OFFICER  
 From : Elisabeth Laughland  
 Tel : 01432 261864 My Ref : MPA/274328/PR00508  
 Date : Your Ref :

**LICENSING ACT 2003**  
**APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE**  
**Rubix Bar (formerly Shake & Stir) 32 Union Street, Hereford, Herefordshire, HR1 2BT**

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
<p><b>PREVENTION OF PUBLIC NUISANCE</b></p> <p>Environmental Health are aware of this premises already having a current noise impact on the area due to the entertainment music escaping the premises and being clearly audible in the area. The increase in customer entry times are likely to further increase the activities of people entering / exiting the premises so increasing the frequency of loud music breakout noise into the surrounding area. This is within noise sensitive hours (night-time 23:00 – 07:00 where a time after 01:00 becomes more noise sensitive), in an area where residential premises are in close proximity to the Licensed Premises.</p> <p>As a result of these concerns Environmental Health object to the proposed conditions on the ground of prevention of public noise nuisance.</p>	
PROTECTION OF CHILDREN FROM HARM	

### REFERENCES

Please Reference the industry guidance from which your representation has been sourced.



**ELISABETH LAUGHLAND**  
**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**  
**HEREFORDSHIRE COUNCIL**





## Rubix - variation application

Responding on behalf of Ps 3456 Reynolds.

As a result of a meeting and e-mail discussions with regards to this application the Police position is as followings:

The Police objection to this application will be withdrawn IF the applicant agrees to the following:

**ALL existing conditions on the premises licence remain and will apply to the whole of the premises, including the external area, with the following amendments:**

- The last entry time for all customers will be 0230hrs. No re-entry will be allowed for any customers after this time. A written system will be put in place by the Premises licence Holder to allow 'late night economy workers' entry to the premises after 0230hrs on production of evidence that they are employed as part of the 'late night economy' and have come from their place of work.
- The premises licence holder will have in place a Dispersal Policy which will be produced on demand to the Police or any other 'authorised person' as per the Licensing Act 2003.

To ensure there is no misunderstanding, the existing conditions (as amended as above) will remain in place, these include the restriction on the use of the external area after 0230hrs, the requirement to use poly carbonate etc vessels over 330ml and replace existing stock etc., and the requirements with regards to door staff.

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**From:** james smith [<mailto:stagecoach-hereford@hotmail.co.uk>]  
**Sent:** 27 February 2019 11:18  
**To:** Mooney,James  
**Cc:** Reynolds,Duncan  
**Subject:** Re: Rubix variation

Dear Jim

I agree with all of your proposed conditions, thank you for your help in this matter.

Regards  
James Smith

Sent from my iPhone

