

Agenda

Licensing sub-committee

Date: **Friday 2 August 2019**

Time: **10.30 am**

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

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

For any further information please contact:

Caroline Marshall, Democratic Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

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

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon (Chairman)

Councillor Paul Andrews

Councillor Jeremy Milln

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</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>GRANT OF A PREMISES LICENCE IN RESPECT OF: MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS - LICENSING ACT 2003</p> <p>To consider an application for a grant of a premises licence in respect of: Mila, 102-104 Belmont Road, Hereford, HR2 7JS.</p>	11 - 44
5.	<p>APPLICATION FOR A GRANT OF AN OCCASIONAL PREMISES LICENCE IN RESPECT OF SUNRISE FESTIVAL, ROCKYFOLD, KENTCHURCH, HEREFORDSHIRE, HR2 0BL- LICENSING ACT 2003</p> <p>To consider an application for an occasional grant of a premise licence in respect of Sunrise Festival, Rockyfold, Kentchurch, Herefordshire. HR2 0BL.</p>	45 - 90
6.	<p>APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: MACE CITY SERVICES, COMMERCIAL ROAD, HEREFORD. HR1 2BG - LICENSING ACT 2003</p> <p>To consider an application for a variation of a premises licence in respect of Mace City Services, Commercial Road, Hereford. HR1 2BG.</p>	91 - 118

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

RECORDING OF THIS MEETING

•
Please note that the council will be making an official audio recording of this public meeting. These recordings form part of the public record of the meeting and are made available for members of the public via the council's website.

To ensure that recording quality is maintained, could members and any attending members of the public speak as clearly as possible and keep background noise to a minimum while recording is in operation.

Please also note that other attendees are permitted to film, photograph and record our public meetings provided that it does not disrupt the business of the meeting.

If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

Please ensure that your mobile phones and other devices are turned to silent during the meeting.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Public Transport Links

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

HEREFORDSHIRE COUNCIL

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

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

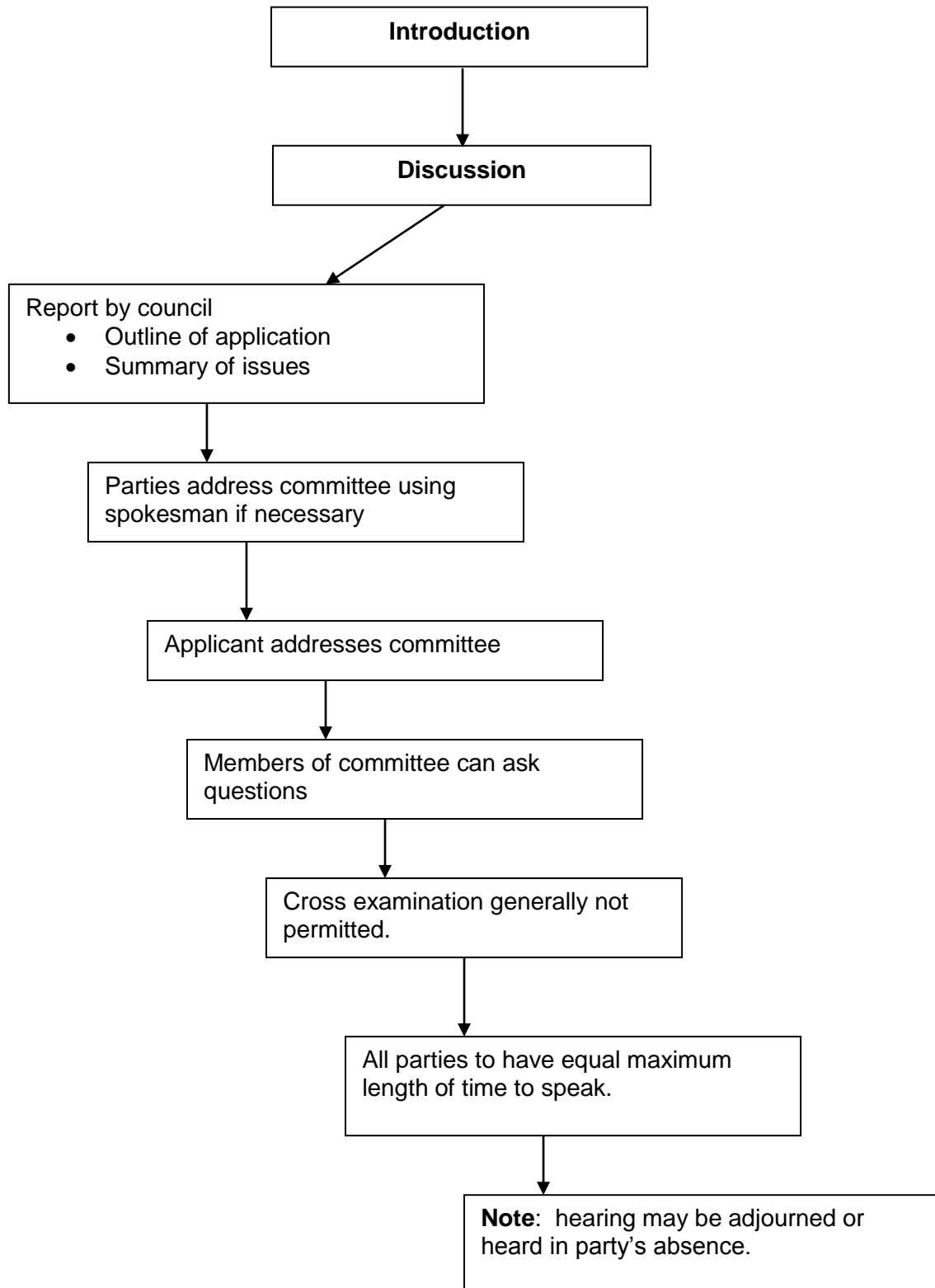
You should vacate the building in an orderly manner through the nearest available fire exit.

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

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

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

Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	2 August 2019
Title of report:	Grant of a premises licence in respect of: Mila, 102-104 Belmont Road, Hereford, HR2 7JS - Licensing Act 2003
Report by:	Principal Licensing Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Hinton and Hunderton.

Purpose

To consider an application for a grant of a 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 objectives,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties,**
and
- **The Herefordshire Council Licensing Policy.**

Options

1. There are a number of options open to the sub-committee:
 - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,

- b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

Key Considerations

- 3. The application for a grant of the premises licence has received relevant representations and is brought before the sub committee for determination.

Licence Application

- 4. The details of the application are:

Applicant	Mr Hersh Mohammad of 102-104 Belmont Road, Hereford. HR2 7JS	
Agent	Anthony Clarke of Secure Licences, 540 Antrim Road, Belfast. BT15 5GJ	
Type of application: Grant	Date received: 17 May 2019	28 Days consultation ended 13 June 2019

Summary of Application

- 4. The application (appendix 1) requests to grant a premises licence to allow the following licensable activities, during the hours shown, as follows;

Sale/Supply of Alcohol (for consumption off the premises)
Monday – Sunday 08:00 – 24:00
- 5. This matter appeared before this committee on 5 July 2019 and was adjourned until today at the request of the applicant’s solicitors, who were unable to attend.

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 handed over to UK Border Agency.
9. As a result the police launched an expedited review on 25 November 2016.
10. The licence was suspended on 29 November 2016 following the expedited review hearing before the sub committee.
11. A full review hearing was held on 15 December 2016 and the committee revoked the premises licence.
12. A new application was made for a premises licence by Hardi Mohammed on 18 February 2017.
13. Representations were received from West Mercia Police and Trading Standards.
14. Although the representations were agreed the matter was brought before the sub-committee in relation to an issue concerning whether Hardi Mohammed was the leaseholder.
15. The matter appeared before the committee on 10 April 2017 and the matter was withdrawn following production of the lease.
16. As a result the licence was issued.
17. Since that licence was issued a number of visits to the premises were carried out by both the police and the licensing authority. These were carried out during 2017. On each of the visits the conditions shown attached to the premises licence were found not to be being complied with.
18. As the conditions attached to the licence were not being complied with on a regular basis, the Licensing Authority launched a review of the premise licence on 7 September 2017.
190. A full review hearing was held on 2 November 2017. The committee removed an existing condition relating to obstruction of windows and replaced it with a condition relating to window coverage that was more achievable for promoting the licensing objective of the prevention of crime and disorder.
20. On 25 July 2018 the licensing authority received an application to transfer the premises licence and vary the designated premises supervisor (DPS) from Hardi Mohammed to Anita Szporak.
21. On 6 August 2018 the licensing authority received an objection from West Mercia Police in relation to the transfer and vary DPS as they had serious concerns that Ms Szporak as the premises licence holder and DPS would undermine the licensing objectives.

22. A hearing was held on 5 September 2018, where the sub committee's decision was to refuse the application to transfer the premises licence to Ms Szporak as they believed that to do would undermine the crime prevention licensing objective.
23. On the 12 December 2018, a joint Police, HM Revenue and Customs and UK Border Agency operation took place at the premises where a quantity of non-duty paid alcohol was found at the premises.
24. On 11 January 2019 an application to review the premises licence was received from West Mercia Police as a result of the visit on 12 December 2019.
25. Following the application to review, on 5 February 2019 Hardi Mohammed surrendered the premises licence.
26. On 7 February 2019 Hersh Mohammad applied to transfer the premises licence and also to become the DPS. The effect of this was that the premises licence was re-instated.
27. West Mercia Police objected to the transfer and vary DPS as it was their view that to grant the application would undermine the licensing objective of the prevention of crime and disorder.
28. On 7 March 2019 the review of the premises licence was heard by the sub-committee. At that meeting the sub-committee decided to revoke the licence.
29. On 15 March 2019 the licensing sub-committee heard the application for the transfer of the premises licence and the application to vary the DPS. At that meeting the sub-committee decided not to grant the application to transfer the licence, therefore the licence in effect died. They were unable to consider the application for the DPS as the application was not held by the premises licence holder.

Summary of Representations

30. Two (2) representations have been received from the responsible authorities (Trading Standards and West Mercia Police). These representations are outright objections to the application being granted (appendix 2 and 3). West Mercia Police have also supplied further documentation in support of their objection (appendix 4 and appendix 5).

Community Impact

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

Equality duty

32. There are no equality issues in relation to the content of this report.
33. 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.
34. Article 8(i) of the European Convention of Human Rights provides that everyone has

the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

36. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
37. 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. The options available to the licensing authority are set out in section 1 of this report.
38. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
39. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

40. 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.
41. 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.
42. 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'.

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

Right of Appeal

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

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
 - (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
 - (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
 - (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).
45. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

46. 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

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

Appendices

- Appendix 1 - Application to grant a premises licence
- Appendix 2 - Trading Standards representation
- Appendix 3 - West Mercia Police representation
- Appendix 4 - West Mercia Police Supporting Documents
- Appendix 5 - West Mercia Police Supporting Documents

Background Papers

None.



Application for a 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 Mohammad

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Mila Polski Sklep 102-104 Belmont Road			
Post town	HEREFORD	Postcode	HR2 7JS

Telephone number at premises (if any)	07474 140114
Non-domestic rateable value of premises	£3350

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person 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 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 (by ticking yes to one box below):

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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MOHAMMAD			First names HERSH OMAR		
Date of birth:		I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality:					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over	<input type="checkbox"/>	Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
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 Operating Schedule

When do you want the premises licence to start? **12.06.2019**

DD	MM	YYY
1	2	0
6	2	1
		9

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Retail continental convenience shop in a residential area.</p>

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

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<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 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed				
			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur			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 (please read guidance note 6)	
Fri				
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08.00	00.00			
Tue	08.00	00.00			
Wed	08.00	00.00			
Thur	08.00	00.00			
Fri	08.00	00.00			
Sat	08.00	00.00			
Sun	08.00	00.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Hersh Omar Mohammad	
Date of birth: [REDACTED]	
Address:- [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00		<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 6)
Tue	08.00		
Wed	08.00		
Thur	08.00		
Fri	08.00		
Sat	08.00		
Sun	08.00		

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- 1: A tamper-proof digital colour CCTV system will be installed and maintained at the premises.
- 2: The system will run and record continuously for 24 hours a day, 7 days per week and recorded footage will be stored for a minimum of 28 days.
- 3: The system will provide a clear head and shoulders view to an evidential quality on the customer entry.
- 4: Recorded footage will be provided to a representative of any responsible authority on request.
- 5: Such footage will be provided in an immediately viewable format and will include any software etc. which is required to view the footage.
- 6: Any discs, portable drives or other storage media onto which footage is transferred will be provided by the premises and sufficient stock of such storage media will be kept on the premises at all times.
- 7: The Designated Premises Supervisor will ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check will include the
 - a) the cameras are in operation
 - b) the hard drive is in working order
 - c) the downloading and recordings are working
 - d) and the accuracy of the time & date.
- 8: A written record of these checks will be kept, including a signature of the person carrying out the check. This written record will be kept on the premises at all times and made available to a representative of any responsible authority on request.
- 9: The premises are secured with roller shutters at the front when closed with a security door at the rear.

Purchasing records to be kept

- 10: All purchases of alcohol and tobacco products will be made from reputable wholesalers and all purchases will be recorded. These records will be made available on request to the police or authorised officer

b) The prevention of crime and disorder

- 11: Spirits of high ABV will be sold behind the counter.
- 12: When the DPS is not on duty a contact telephone number will be available at all times.

Incident Book

13: An incident book will be kept on the premises and be made available for inspection by responsible authorities. The incident book will be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any other crime or criminal activity on the premises
- (iii) Any refusal to serve alcohol to persons who are drunk
- (iv) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (v) Any call for police assistance to the premises
- (vi) Any ejection from the premises
- (vii) Any first aid/other care given to a customer

Refusals Book

13: A refusals book will be kept at the premises and will be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage will be recorded. The details to be recorded will be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book will be made available for inspection by responsible authorities on request.

c) Public safety

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance

14: The Management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

e) The protection of children from harm

15: A "Challenge 25" policy shall be operated at the premises at all times.

16: The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved using the Home Office guidelines

17: Signage for "Challenge 25" scheme shall be displayed at the premises.

18: A documented training programme shall be introduced for all staff in a position to sell and serve alcohol. The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training.

Checklist:

Please tick to indicate agreement

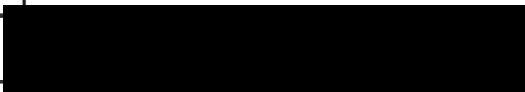
- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] 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 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	14 th May 2019
Capacity	Agent on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Anthony Clarke Secure Licences 540 Antrim Road			
Post town	Belfast	Postcode	BT15 5GJ
Telephone number (if any)	07388 441 720		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) securelicences@gmail.com			

Consent of individual to being specified as premises supervisor

I: *name of prospective premises supervisor* Mr Hersh Mohammad

[home address of prospective supervisor] _____

of: _____

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

New premises Licence under s17 of the Licensing Act 2003

[type of application]

by

[name of applicant]

Mr Hersh Mohammad

relating to a premises licence

TBA

[number of existing licence, if any]

for

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

Mila Polski Sklep, 102-104 Belmont Road, Hereford, HR2 7JS

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

Mr Hersh Mohammad

[name of applicant]

concerning the supply of alcohol at

Mila Polski Sklep, 102-104 Belmont Road, Hereford, HR2 7JS

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

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

Signed

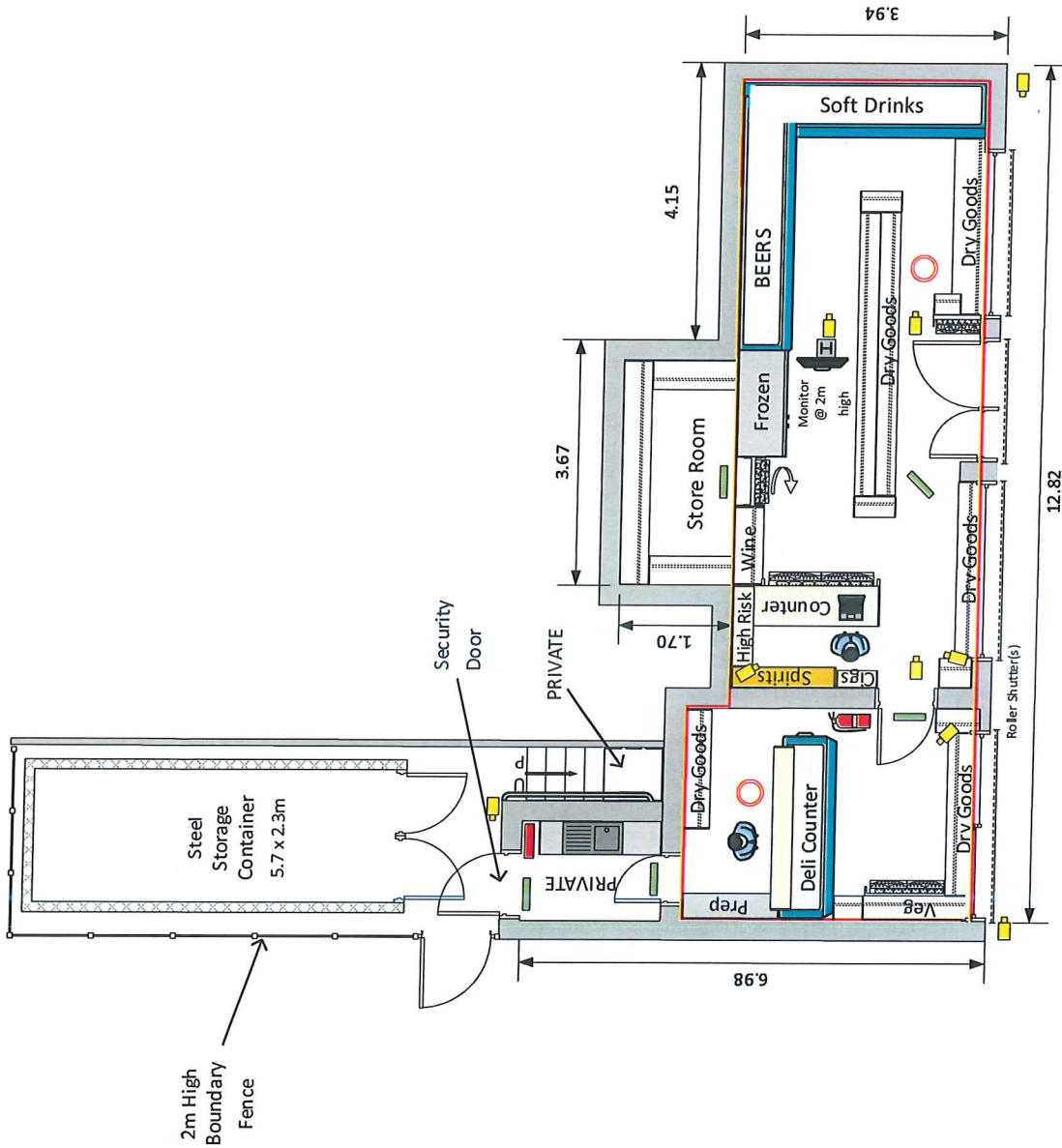
Name *(please print)*

Mr Hersh Mohammad

Date

10th May 2019

Licensable Area



LEGEND	
Fire Exit	
Camera	
Fire Extn. Water	
Monitor	
Smoke Detector	
Fire Sounder	

Premises Address
**102-104 Belmont Road
 Hereford
 HR2 7JS**

Name of Premises
MILA POLSKI SKLEP

Drawing Purpose
PREMISES LICENCE APPLICATION

Drawing Details
 The purpose of this drawing is for the submission of a Premises Licence Application.
 All measurements have been drawn in millimetres.
 This drawing is not to be used for the intention of any building, shop fitting or construction purposes.

Trading Standards Representation

PREVENTION OF CRIME & DISORDER/ PROTECTION OF CHILDREN FROM HARM

Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of the licensing objectives.

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of Hersh Mohammad's application and wish to make a representation.

After having considered this application and associated evidence, Trading Standards wish to **OBJECT** to this premises being granted a premises licence to sell or supply alcohol.

The premises at 102-104 Belmont Road, Hereford, HR2 7JS has previously been subject of Trading Standards investigations in relation to illicit tobacco. The premises history shows a persistent pattern of breaches of the Licensing Act 2003; as well as illicit trading of tobacco, alcohol and illegal immigration where offences have been committed in contravention of various legislation.

The evidence shows that we have reason to believe that Hersh Mohammad is not a fit and proper person to hold a premises licence or to uphold the licensing objectives as he was responsible for the business at the time when smuggled alcohol was found on his premises. He was also responsible and present in the store when food injurious to human health was seized by trading standards.

Hersh Mohammad has had an application refused previously and it is the opinion of trading standards that Hersh Mohammad has not been able to prove, nor has he offered conditions on the application, to show, that the premises can be run in a way that promotes the four licensing objectives.

Further evidence will be produced should the committee require it.

Regards
Trading Standards

Herefordshire.gov.uk

Trading Standards
Environmental Health and Trading Standards
Economy, Communities and Corporate Directorate
Hereford Council

8 St Owens Street
Hereford
HR12PJ

West Mercia Police Representation

West Mercia Police are in receipt of an application for a premises called Mila, Belmont Road, Hereford.

The application is for the licensable activity of the sale/supply of alcohol.

The application is in the name of Hersh Mohammed who is also applying to be the designated supervisor.

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

This premises has a long history of being connected to criminal activity. The applicant has previously applied to have the premises licence transferred into his name.

This was subject to a Police objection due to his involvement in the premises at the time non duty paid alcohol was found (this matter resulted in the premises licence being revoked). As a result of the Police objection to transfer the licence into the name of Hersh Mohammed the matter was brought to a licensing hearing.

The application to transfer was refused.

NO appeal against this decision was made to the licensing authority.

If this matter progresses to a hearing further information to support the Police objection will be provided.

Regards

Harm Reduction/Community Safety Dept.,

Herefordshire Policing Area

West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

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

[#destinationHereford](#)

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.

RESTRICTED (when complete)

Page 1 of 2

WITNESS STATEMENT**(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)**URN:

Statement of: James Michael PHILLIPS

Age if under 18: Over 18

Occupation: PC

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 15/02/2019

I am PC 3590 James Michael PHILLIPS of West Mercia Police, currently based at South Wye Police Station as part of a safer neighbourhood team. As part of our duties we on occasion visit licenced premises on our area and we record those visits onto the Inn Keeper system. This system collates the information for our harm hub who work with our partner agencies. I have been asked to put into a statement my two most recent visits to the MILA CONVENIENCE STORE on BELMONT ROAD in HEREFORD. I have looked at Inn Keeper and copied those reports into this statement. The first report below with the prefix 1 was in relation to a visit that I did on the 20th of October 2018 at 15:10hrs. I spoke with Hersh MOHAMMED, [REDACTED] at the store. The second report prefix 2 was in relation to a visit that I did on the 6th of February 2019 at 15:15hrs. On that occasion I spoke with Anita SZPORAK [REDACTED] who provided the details for the report describing Hersh MOHAMMED as the new owner of the store.

- 1) SHOP VISITED. PERSON ON PREMISES HERSH MOHAMMAD, [REDACTED] [REDACTED]. HE SHOWED ME HIS PERSONAL LICENCE [REDACTED] ISSUED BY BLACKBURN COUNCIL. THE ADDRESS ON THE LICENCE WAS [REDACTED] HE STATED THAT HE WAS LOOKING AT BUYING THE SHOP DESCRIBED HIMSELF AS THE CURRENT MANAGER. HE STATED THAT HE PICKS UP THE RUBBISH IN THE ALLEYWAY ONCE A MONTH OR SO AND THAT HE WILL TELL CUSTOMERS TO KEEP THE ALLEYWAY CLEAR OF RUBBISH

2) PREMISES VISITED AT THE REQUEST OF LICENCING FOLLOWING THE OWNER NOTIFYING THAT HE WAS SURRENDERING HIS LICENCE. THE SHOP WAS STAFFED BY ANITA SZPORAK, [REDACTED] NO OTHER STAFF PRESENT. SHE

Signature:

Signature witnessed by:

Date/Time Started: 15/02/2019 14:57:53

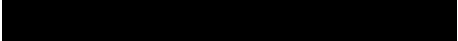
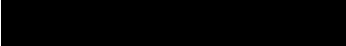
Date/Time Finished: 15/02/2019 15:23:30

Format/Status: Digital Master - A78B3AE2C11A2531B3EA7825FC37771B418AF7984614ECAE2D9AC12ACD5E50A5

RESTRICTED (when complete)

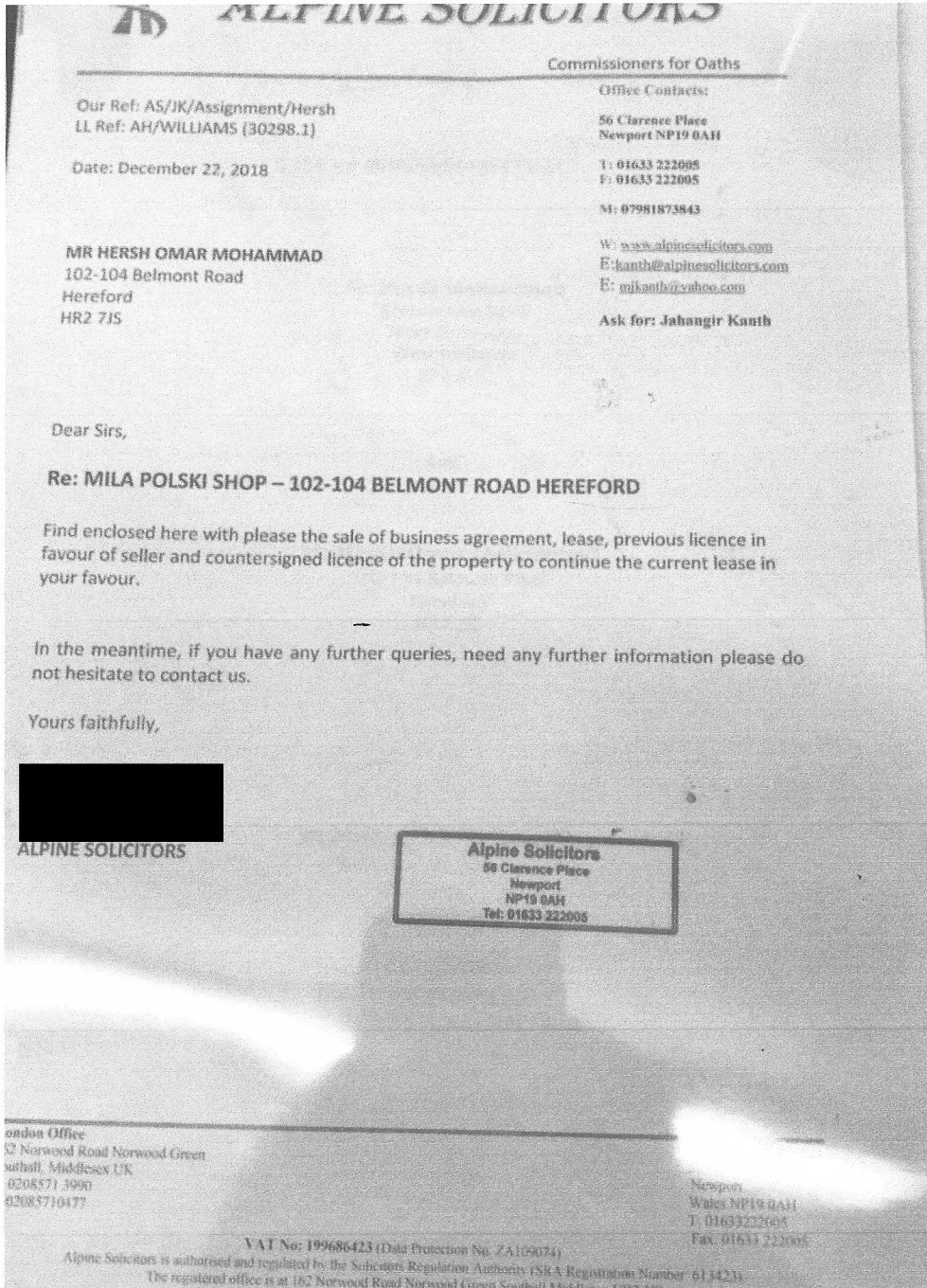
Statement of: James Michael PHILLIPS

URN:

WAS AWARE THAT THE SHOP WAS CHANGING HANDS. SHE WAS INFORMED THAT THAT THE LICENCE HAD BEEN SURRENDERED AND THAT THE SALE OF ALCOHOL SHOULD STOP WITH IMMEDIATE EFFECT. SHE REMOVED THE RELATIVELY SMALL AMOUNT OF ALCOHOL ON THE DISPLAY AND WAS TOLD THAT ALL ALCOHOL SHOULD BE REMOVED FROM DISPLAYS AND NOT SOLD. THE NEW OWNER IS HERSH OMAR MOHAMMAD, 


Signature:

Signature witnessed by:



Dated 23rd NOV 2018

SALE OF BUSINESS CONTRACT

Between

Mr Hardi Mohammed



And

Mr Hersh Omar Mohammad

102 104 Belmont Road
Hereford
HR2 7JS

ALPINE SOLICITORS

56 Clarence Place
Newport
NP19 0AH

Tel: 01633 222005

Fax: 01633222005

Email: kanth@alpinesolicitors.com



Meeting:	Licensing sub-committee
Meeting date:	2 August 2019
Title of report:	Application for a grant of an occasional premises licence in respect of Sunrise Festival, Rockyfold, Kentchurch, Herefordshire, HR2 0BL– Licensing Act 2003
Report by:	Principal Licensing Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Golden Valley South

Purpose

To consider an application for an occasional grant of a premise licence in respect of Sunrise Festival, Rockyfold, Kentchurch, Herefordshire. HR2 0BL.

Recommendation

THAT:

The sub committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- **The steps that are appropriate to promote the licensing objectives,**
- **The representations (including supporting information) presented by all parties,**
- **The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

Options

1. There are a number of options open to the sub-committee:
 - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
 - b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
 - c) To exclude from the scope of the licence any of the licensable activities to which the application relates
 - d) To refuse to specify a person in the licence as the premise supervisor, or
 - e) To reject the application.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

3. The application for a grant of the premises licence has received relevant representations and is brought before the sub committee for determination.
4. The details of the application are:

Applicant	Gawain Boal	
Solicitor/Agent	Not Applicable	
Type of application: Occasional Grant	Date received: 21 June 2019	28 Days consultation ended 18 July 2019

5. Summary of Application

The application (appendix 1) requests the grant of a premises licence to allow the following licensable activities, during the hours shown, as follows:

15 August 2019 to 19 August 2019

Plays (Indoors/Outdoors)

Friday – Saturday 12:00 – 02:00
Sunday 12:00–24:00

Films (indoors/Outdoors)

Thursday 18:00-02:00
Friday – Saturday 12:00 – 02:00

Sunday 12:00–24:00

Live Music & Recorded Music, Performance of Dance, Anything Similar to Live & Recorded Music & performance of Dance (Indoors/Outdoors), Sale/Supply of Alcohol (consumption on and off the premises)

Thursday 18:00 – 24:00
Friday – Saturday 09:00 – 03:00
Sunday 09:00-24:00

Late Night Refreshment (Indoors/Outdoors)

Thursday-Saturday 23:00 – 04:00
Sunday 23:00-02:00

Premises History

7. The applicant has submitted Temporary Event Notices (TEN) in previous years to cover the event. These notices were for 18th to 21st August 2017 and 17th to 20th August 2018.
8. Due to the maximum number of people being 499 at any one time at an event permitted on a TEN, an occasional grant of a premises licence was applied for, for this year's event.
9. A total of 3 complaints were received in relation to the 2017 festival, mainly in relation to noise.
10. In 2018 the applicant engaged with the Safety Advisory Group comprising of amongst others Licensing and Environmental Health who gave guidance to the applicant. No complaints were received in relation to that festival

Summary of Representations

11. Two (2) representations have been received from the responsible authorities (Environmental Health and Trading Standards). The applicant has agreed the representation from Environmental Health and can be found at appendix 2. The representation from Trading Standards, which can be found at appendix 3 has not been agreed by the applicant.
12. One (1) public representation has been received and was deemed relevant by the authority and can be found at appendix 4. No other representations were received from members of the public.

Community Impact

13. Any decision may have an impact on the local community in relation to noise caused by the festival.

Equality duty

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

Financial implications

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

Legal Implications

17. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
18. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
19. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
20. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
21. In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

22. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence'

must be presented to support the reason for imposing these conditions.

23. This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

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

Right of Appeal

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

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
 - (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
 - (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
 - (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).
26. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

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

Consultees

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

Appendices

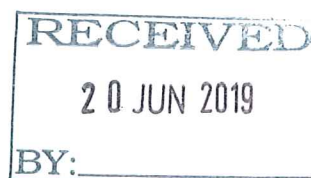
Appendix 1 - Application Form

Further information on the subject of this report is available from
Fred Spriggs – Principal Licensing Officer, Tel no. 01432 261761

Appendix 2 – Environmental Health Representation
Appendix 3 – Trading Standards Representation
Appendix 4 – Public Representation

Background Papers

None.



**Application for a 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 Gawain Boal

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Sunrise Festival Rockyfold Kentchurch			
Post town	Hereford	Postcode	HR2 0BL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person 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 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 (by ticking yes to one box below):

- 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Boal			First names Gawain		
Date of birth	[REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes
Nationality British					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)	[REDACTED]				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
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 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
15	08	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
19	08	2019

Please give a general description of the premises (please read guidance note 1)

**Festival in open field and wooded area
For the weekend of Thursday 15th August 2019 (for soft opening) until Monday 19th August 2019**

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri	12:00	02:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	02:00			
Sun	12:00	24:00			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	18:00	02:00			
Fri	12:00	02:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	02:00			
Sun	12:00	24:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur	18:00	24:00			
			<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 6)		
Fri	09:00	03:00			
Sat	09:00	03:00			
Sun	09:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	18:00	24:00			
Fri	09:00	03:00	<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 6)		
Sat	09:00	03:00			
Sun	09:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur	18:00	24:00			
Fri	09:00	03:00			
Sat	09:00	03:00			
Sun	09:00	24:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur	18:00	24:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	09:00	03:00			
Sat	09:00	03:00	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 (please read guidance note 6)		
Sun	09:00	24:00			



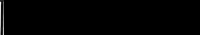
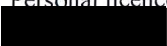
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	04:00			
Fri	23:00	04:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	04:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur	18:00	24:00			
Fri	09:00	03:00			
Sat	09:00	03:00			
Sun	09:00	24:00			
			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 (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Gawain Boal
Date of birth 
Address 
Postcode 
Personal licence number (if known) 
Issuing licensing authority (if known) Mendip District Council

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon		16:00	<p><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 6)</p> <p>Open from 16:00 on 15th August 2019 through to Monday 19th August 2019</p>
Tue			
Wed			
Thur	16:00		
Fri			
Sat			
Sun			

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The first draft of the Event Management Plan (EMP) will be produced to the Safety Advisory Group at least 6 weeks (or such lesser period as agreed with the Safety Advisory Group) before the event

The EMP must be provided to the satisfaction of the Safety Advisory Group. The EMP will be a working document providing details of how the Event is to be conducted and how safety issues, identified in the event risk assessment, are to be addressed. The EMP will include an event risk assessment and provide specific details on the following areas:

- Health and Safety Responsibilities
- Venue and Site Design
- Fire Safety
- Major Incident Planning (Emergency planning)
- Communication
- Crowd Management (including steward and security numbers and their roles)
- Transport
- Management Structures
- Barriers
- Electrical Installations and Lighting
- Food and Alcohol
- Water
- Merchandising and Special Licensing
- Amusements,
- Attractions and Promotional displays
- Sanitary Facilities
- Waste Management
- Sound: Noise and Vibration
- Special Effects, Fireworks and Pyrotechnics
- Camping
- Facilities for People with disabilities
- Medical, Ambulance and First Aid Management
- Information and Welfare
- Children - including Lost Children's Policy
- Performers
- TV and Media

The event must take place in accordance with the Final EMP produced for the event following approval by the Safety Advisory Group.

West Mercia Police and the premises licence Holder will agree 30 days prior to the first day of the event all issues that are required to be reported to them during the duration of the event. This agreement will be provided to the Licensing Authority at least 14 days prior to the first day of the event.

Any special policing services request will be made by the Premises Licence Holder to West Mercia Police, this will be submitted at least 30 days prior to the first day of the event.

Numbers of Personnel

Written information shall be provided, 30 days prior to the start of the event, of the number of SIA Security personnel to be employed on site, during the period the premises is licensed for licensable activities.

Written information shall be provided, 30 days prior to the start of the event, of the number of personnel to be employed as paid Stewards during the period the premises is licensed for licensable activities.

Representatives of all security and steward firms will meet with the Security Co-ordinator on site at least once daily throughout the event.

West Mercia Police will be informed of onsite security and steward briefings and may attend if they wish.

Transport

A Traffic Management Plan (TMP) will be drawn up for the event and will be provided to relevant agencies no later than 30 days prior to the event. Such plan shall be agreed by the Safety Advisory Group. The TMP will cover all aspects of vehicle and pedestrian access to and egress from the site during the 'load in and load out' as well as for the event itself.

Depending on prevailing conditions, the area may be moved to an adjacent area if deemed necessary to meet the licensing objectives. The layout will remain the same but the EMP will be amended to take account of the change.

The Premises Licence Holder or a nominated deputy (in writing) must be on this licensed premises and available to the Responsible Authorities and the Licensing Authority at all times when Licensable activities are taking place.

The Premises Licence Holder or a nominated deputy (in writing) must be on this licensed premises and available to the Responsible Authorities and the Licensing Authority at all times when Licensable activities are taking place.

Details of the Premises Licence Holder or his deputy who is on duty when licensable activities are undertaken shall be recorded, on this premises, at the time. These records shall be made available to the Licensing Authority or a Responsible Authority on demand.

Such record shall be kept for a period of 12 months after the end of licensable activities. This information post event must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request unless previously supplied to the Licensing Authority or any Responsible Authority.

The name and contact details of the Premises Licence Holder's deputy(s) will be provided to the Safety Advisory Group in writing no later than 7 days prior to each event.

Each bar on site will have a dedicated personal licence holder

Written information provided of details of the personal licence holder who is on duty and their areas of responsibilities when licensable activities are undertaken on this premises. This will be made available to the Licensing Authority and or other responsible authority during the period of the event on demand. Such record shall be kept for a period of 12 months after the end of licensable activities. This information post event must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request unless previously supplied to the Licensing Authority or any Responsible Authority

The names and contact details of the personal licence holders will be provided to the Safety Advisory Group no later than 7 days prior to the event.

The final EMP will be submitted to the Licensing Authority and all the Responsible Authorities 14 days prior to the start of each Event. This must meet with the agreement of all the Responsible authorities. No change shall take place to this document without the consent of the Licensing Authority.

The event must take place in accordance with the Final EMP produced for the event following approval by the Licensing Authority.

b) The prevention of crime and disorder

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 prior to the event. 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 staff shall be trained prior to undertaking any sale of alcohol on the premises. The training shall included:

Drugs Awareness
Conflict resolution
Selling to under age person
Selling to drunks

Such training will be recorded and records shall be kept at the premises which will be produced for inspection on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

The premise licence holder will liaise closely with local police to ensure that all steps are taken to prevent any crime and disorder

West Mercia Police and the Premises Licence Holder will agree 30 days prior to the first day of the event all issues they required to be reported immediately to them during the duration of the event. This agreement will be provided to the Licensing Authority at least 14 days prior to the first day of the event.

Security Uniforms and Security Logs

All security and stewarding personnel will be readily identifiable by means of a uniform and a conspicuous unique personal identification number.

No person shall perform the role of stewarding personnel without wearing a tabard.

An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:

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

Secure and safe systems are to be in place for the storage of items seized. These systems are to included secure methods of storing any drugs, 'legal highs' (or similar) or weapons seized or found and procedures for handing the items over to the responsible authority where required. In addition records of seizure are to be kept in the incident book and made available to the Licensing Authority on demand or to the police on authority of the operational commander during the duration of the event or to any authorised person of West Mercia Police post event.

c) Public safety

Event Safety Coordinator

The Premises Licence Holder will appoint an Event Safety Co-ordinator who will be able to authorise and supervise safety measures.

The Event Safety Co-ordinator will be responsible for:

- Monitoring of contractors
- Liaison with contractors
- Checking of method statements and risk assessments
- Preparation and monitoring of site rules
- Safety inspections and audits
- Collection and checking of completion certificates
- Communication of safety information to contractors and employees
- Monitoring and coordinating safety performance
- Coordinating safety in response to a Major Incident
- Liaison with nominated officers from Herefordshire Council.

The name and contact details of the Event Safety Co-ordinator will be supplied via the Safety Advisory Group no later than 14 days prior to the start of the event.

The premises licence holder will employ sufficient experience stewards in line with the risk assessment. The premises licence holder shall have available for inspection at the premises a detailed emergency plan.

Electrical wiring and distribution systems

Temporary electrical wiring and distribution systems shall be signed off by a competent person prior to any licensable activity taking place at the premises. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign off certificates shall be kept on the site during the event and shall be produced for inspection on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003).

Structures

The Premises Licence Holder will ensure that all temporary structures have been inspected and signed off as being safe prior to the commencement of their use. A copy of each safety sign off certificate shall be kept on the site during the event and shall be produced for inspection on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003). In this condition the term temporary means any structure which could cause injury to someone if it collapsed.

A management plan for the overhead power lines (OHPL's) will be provided to Herefordshire Council Environmental Health Service at least 28 days prior to the commencement of the event. The plan must detail the location of the OHPL's and the control measures that have been identified to reduce the risk of the OHPL's. Control measures must be implemented prior to the start of the site build and be in place throughout the festival and during the 'take down' of the site

First Aid – a medical team will be contracted on site when open to the public.

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 site.

The premises licence holder shall have available for inspection at the premises a detailed emergency plan.

The maximum permitted numbers in each enclosed structure where regulated entertainment activities are to be provided will be submitted and agreed by the Responsible Authorities prior to the commencement of the event.

The premises licence holder must submit arrangements to the satisfaction of the Responsible Authorities on how such maximum occupancy capacities will be managed.

All enclosed structures that the public have entry to will have designated entry/exit points. The numbers of these entry/exit points will be determined by the occupancy capacity and will be listed in the Tent Exit Calculation document submitted in the EMP. In this licence "enclosed structures" are classed as a structure whether tented or not, which has less than 25% of its sides open to the atmosphere (excluding entrances and exits) and which are accessible to the public when regulated entertainment is provided.

Special Effects

The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke/foam producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. 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 above equipment is to be used.

Lanterns

Paper lanterns will not be sold on site and will be listed within the ticketing terms and conditions as items that may not be brought to the venue.

Sanitary Facilities

A Sanitation Management Strategy will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the event. Once agreed, the strategy will be implemented throughout the event.

Water

A Water Management Strategy for the provision of drinking water will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the event. Once agreed, the strategy will be followed throughout the event. No significant changes will be made without consultation with Herefordshire Council.

d) The prevention of public nuisance

A Noise Management strategy as approved by Herefordshire Council must be provided at least 31 days before the commencement of the event. The Premise Licence Holder must comply with the Noise Management Strategy.

In addition between 02:00 and 04:00 Friday to Monday 'noise' from the festival should not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police with windows and doors closed. 'In these conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernible' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.

Liaison with Local Residents and Local Businesses

The premise licence holder or his deputy will communicate with the local Parish Council (and any other parish council added by the Licensing Authority and notified to the premise licence holder in writing) at least 6 weeks prior to the start of the festival.

Any testing of sound equipment will not take place before 09.00hrs

The Noise Consultant shall be available for daily meetings with EHO Officers from Herefordshire Council.

The noise consultant will maintain a noise log and will be available at all times for inspection by Herefordshire Council.

A noise hotline will be installed and publicised so that local residents can report any noise issues directly to the Festival. All calls will be logged by time, location and contact number and address will be requested. The log will be kept on site and be readily available at the request of duly authorised Council officer.

The noise hotline number will be operational throughout the hours of regulated entertainment.

The Premises Licence Holder or DPS or any person who has been nominated as their deputy 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). #

e) The protection of children from harm

Under 16s

No unaccompanied person under the age of 16 years shall be permitted on the Licensed Premises.

Lost Children Policy

The goal of the Lost Children Policy is to reunite each lost child with its parents or guardians. However if there is any evidence or suspicion of abuse or neglect of children, then this must be reported to the appropriate authority.

Age Verification

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 alcohol serving areas 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. It will be collected and reviewed on a daily basis by a personal licence holders or 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.

Each bar will have a designated personal licence holder and this person under the direction of the Designated Premises Supervisor will be fully in control of the sale of alcohol from that bar.

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).

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] 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 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	20.06.2019
Capacity	Licence Holder

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



Form of consent given by the person whom the applicant wishes to be the premises supervisor

I, **Gawain Boal** [*insert first names and surname of prospective premises supervisor*] hereby consents to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to

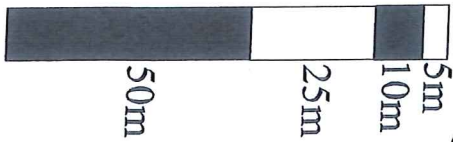
Gawain Boal [*insert full name of applicant*] where the holder of the licence has consented to the application being made by the applicant for **Sunrise Festival 2019, Rockyfold, Kentchurch, Herefordshire. HR2 0BL** [*Insert name and address of the proposed licensed premises*] if that application is successful.



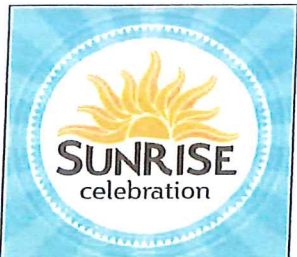
Dated 14/08/19



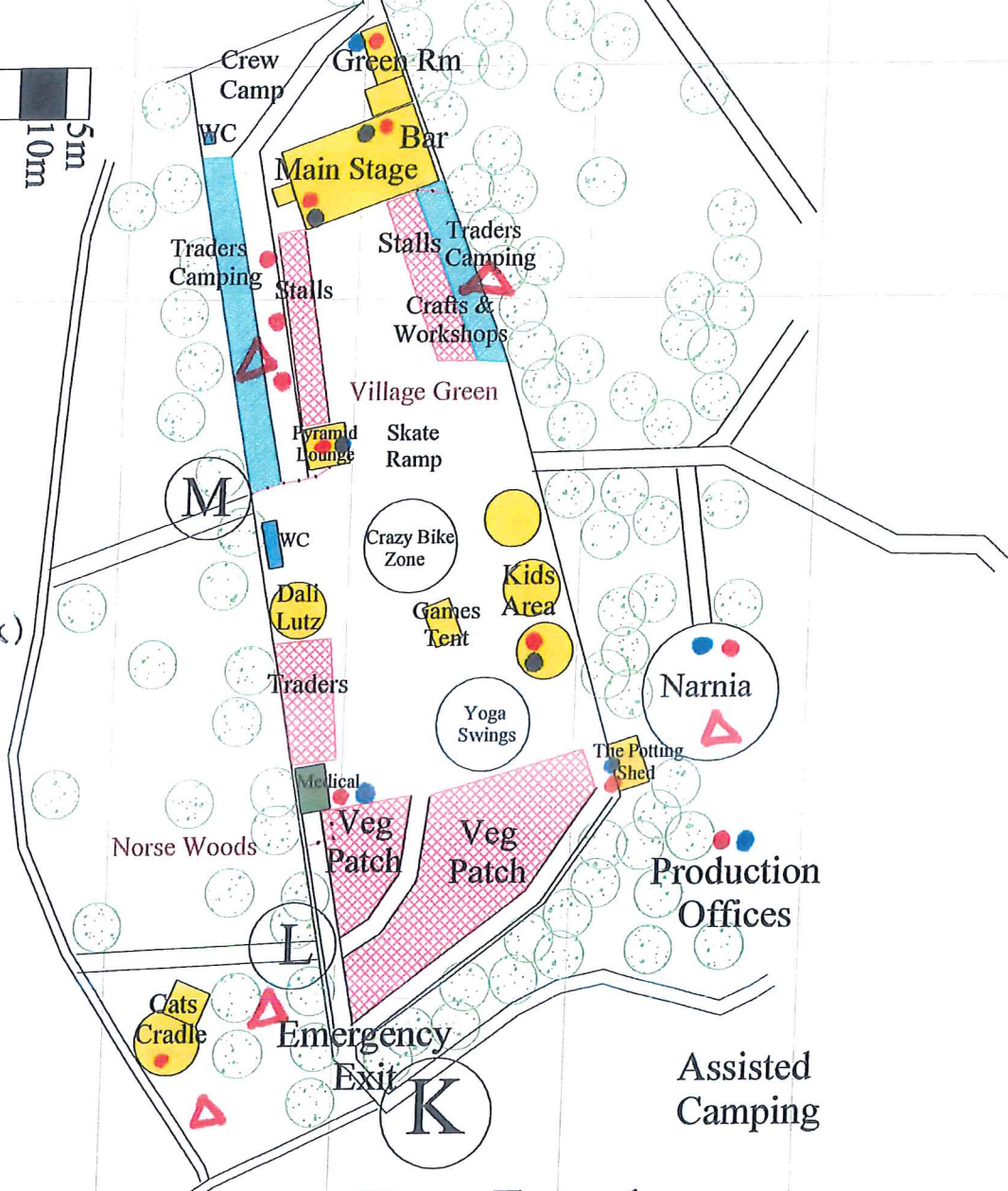
Evac Zone 2



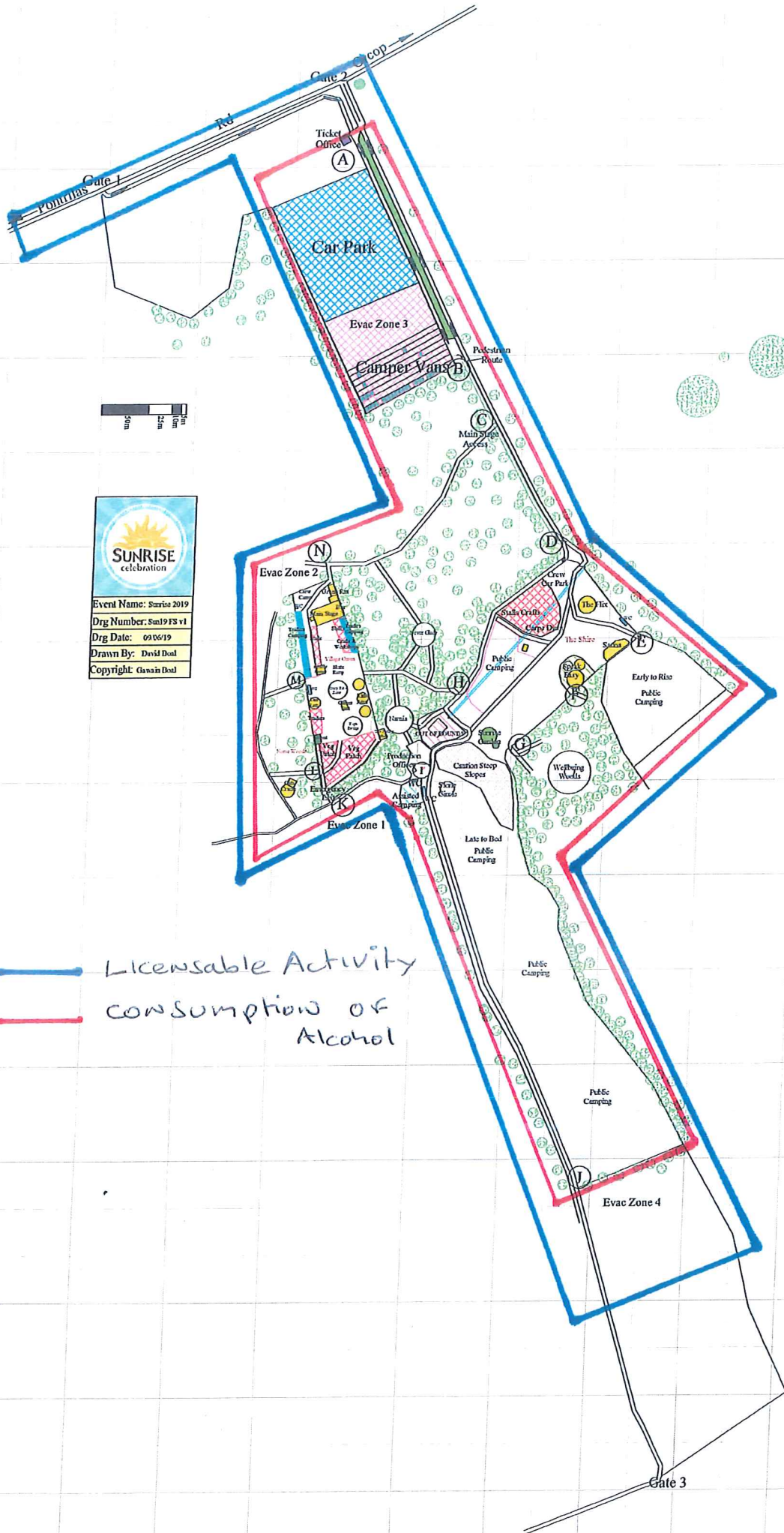
- Water
- CO2
- ▲ Fire point (water & buckets)



Event Name:	Sunrise 2019
Drg Number:	Sun19 MA v1
Drg Date:	09/06/19
Drawn By:	David Boal
Copyright:	Gawain Boal



Evac Zone 1

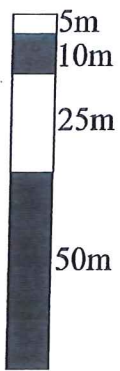


SUNRISE
celebration

Event Name: Sunrise 2019
 Drg Number: Sun19 FS v1
 Drg Date: 09/06/19
 Drawn By: David Dal
 Copyright: Gavin Dal

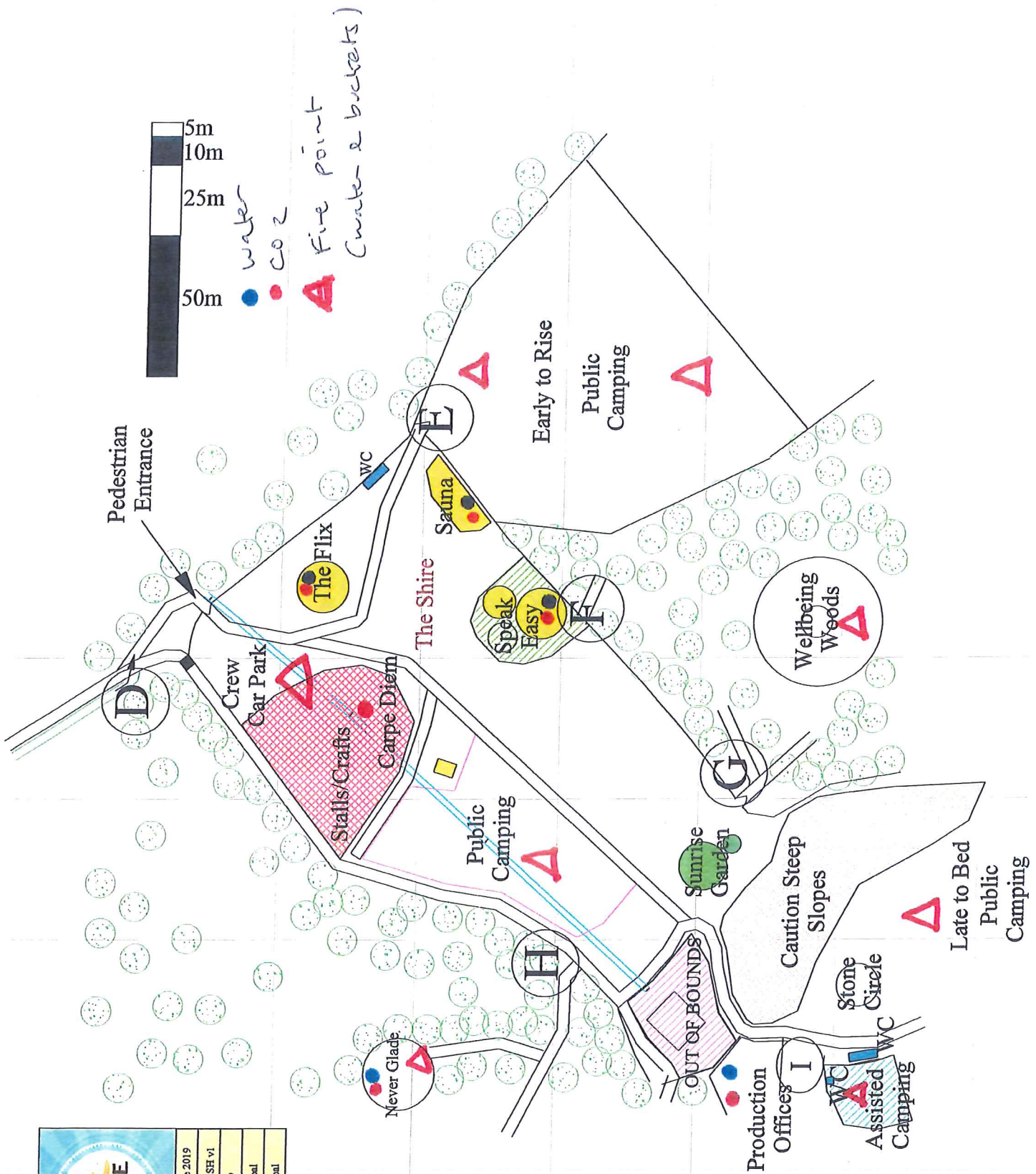
— Licensable Activity
 — consumption of Alcohol

	
Event Name:	Sunrise 2019
Drg Number:	Sun19 SH v1
Drg Date:	09/06/19
Drawn By:	David Boal
Copyright:	Gawain Boal



● water
● CO2

A Fire point
(Water & buckets)



**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
Sunrise Festival Rockyfold, Pontrilas, Hereford, Herefordshire, HR2 0BL**

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

PUBLIC SAFETY

Electrical wiring and distribution systems

Any additional electrical work required after the event has commenced shall be signed off by a competent person. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign off certificates must be available for inspection.

Food Safety

PS16 Provide a list of food businesses that will be trading at the event at least 1 month prior to the first day of the event. Please include the correct trade name of the business and which local authority the business is registered with.

REFERENCES

Taken from Herefordshire Council's Model Conditions and the Licensing Objectives

**ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

Dear Mr Boal

RE: Sunrise Festival Licence Application

I notice that you have a training condition offered on your application. Can you confirm if the training provided will be via BIIAB or other equivalent training please? I am not aware that trading standards have authorised any training that your staff may have had in the past.

Perhaps if internal training is provided this condition can be reworded to:

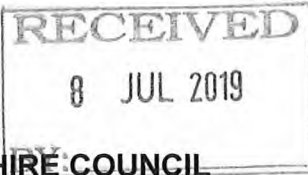
1. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course prior to the event taking place. No person shall be authorised to sell or supply alcohol until this training is completed. Training records 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.

Another thought I had was that it would be beneficial to write in the EMP that any serious allergen incidents are notified to you as the organiser and noted in the medical log book with a reference to the caterer/s that person had eaten from. This is because we would need to follow up any food standards issues that may arise. This serious matter occurred last year, however as far as to my knowledge, EHTS never received details of it.

I welcome your thoughts on this matter.

Kind regards

Trading Standards



HEREFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM – INTERESTED PARTIES

Please return this form, and any additional information within the statutory period to:
The Licensing Section,
Herefordshire Council,
8 St Owen Street,
Hereford,
HR1 2PJ
licensing@herefordshire.gov.uk

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.
When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about: Living within very close proximity of the site, my livestock, previous problems with security on the site
Name & Address of premises you are making a representation about: Sunrise Festival, Rockyfold, Kentchurch, Hereford HR2 0BL	

DATA PROTECTION ACT 1998. Please indicate by ticking here . if you are not content for your personal details to be circulated as necessary prior to any hearing .

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder : On the past 2 occasions of this festival in 2017 & 2018 the security has been very slack. Intruders have made their way through neighbouring properties and land to gain free entry to the festival. I have a small property with limited land and my livestock and myself will border the car park, evacuation zone 3 and camper van camping
Public Safety – as above
To Prevent Public Nuisance: In 2017 I was living at a property which also borders this site but at a greater distance. We had incidents of people from the site wandering onto the property and making a nuisance of themselves. They would not leave when asked. We also had a constant stream of visitors who could not find the site. I am in my 60's and live alone. People used the property as a way of gaining access to the site, day and night. This year the property which I reside in is even closer to the site and I note has not been marked on the site map. My house is closer to the main stage than the two camping areas marked on the site for festival goers. The noise over the past two festivals has been unacceptably loud. I accept the noise as part of the inconvenience but the other aspects worry me very much. This year I fear I will be in an even worse position than before and I feel very unsafe.

To Protect Children from Harm

Signed:
Date:



If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 261761

Representation Form – Interested Parties Suggested Conditions

Premise: __Sunrise Festival__ Your name: [REDACTED]

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder: I think it would be reasonable to expect an independent security firm, perhaps of the Council's choosing, to operate on the site. Mr Boal operates his own security which has been far from adequate in the past. Telephone calls from myself and other locals have been ignored and no security representatives have been sent out to address issues at the time

Public Safety: I would like a direct line telephone number to either local police or local council in the event of emergency. I live alone

Prevent Public Nuisance: Security as I have suggested above. I would also like to request that the licensee erect a substantial boundary fence between my property and the festival which would lessen the likelihood of festival goers straying onto neighbouring property.

Protect Children from Harm

Signed: [REDACTED]

Date: 4/7/19

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 261761



Meeting:	Licensing sub committee
Meeting date:	2 August 2019
Title of report:	Application for a variation of a premises licence in respect of: Mace City Services, Commercial Road, Hereford. HR1 2BG - Licensing Act 2003
Report by:	Principal Licensing Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Widemarsh.

Purpose

To consider an application for a variation of a premises licence in respect of Mace City Services, Commercial Road, Hereford. HR1 2BG.

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

Applicant	Gardner Garages Limited, Cheltenham Service Station, Lansdown Road, Cheltenham. GL50 2JA	
Agent	Lockett & Co, Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	
Type of application: Variation	Date received: 11 June 2019	28 Days consultation ended 9 July 2019

Summary of Application

5. The application (appendix 1) requests a variation to the premises licence as follows:

Sale/Supply of Alcohol (consumption off the premises)
Monday – Sunday 00:00 – 24:00

Current Licence

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

Sale/Supply of Alcohol (consumption off the premises)
Monday – Sunday 07:00 – 22:00

Late night refreshment
Monday – Sunday 23:00 – 05:00

Summary of Representations

7. One (1) Objection has been received from the Responsible Authorities, West Mercia Police – appendix 3 who have objected outright to the application. One representation

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

was received from a member of the public which was rejected as not being relevant.

Community Impact

8. The premises falls within the heart of the Herefordshire Council Cumulative Impact Policy as shown within paragraph A7 of the Special Policy.
9. 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

10. 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.
11. 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.
12. There are not considered to be any equalities implications arising from this report.

Financial implications

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

Legal Implications

14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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'.
20. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
21. 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.
22. 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.
23. 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'.
24. The matter was further appealed to the High Court by way of case stated.
25. 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?'
26. 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

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

Risk Management

28. 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

29. 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

Background Papers

None

Herefordshire
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

45,500

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

WE WISH TO VARY THE LICENSE TO INCREASE THE HOURS OF THE RETAIL SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AND TO SELL HOT FOOD TO GO AND COFFEE TO GO IN LINE WITH OUR STORE OPENING HOURS TO 24 HOURS A DAY, SEVEN DAYS A WEEK.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

<i>Continued from previous page...</i>	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 7 of 18	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 8 of 18	
PROVISION OF LIVE MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 9 of 18	
PROVISION OF RECORDED MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 10 of 18	
PROVISION OF PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 11 of 18	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 12 of 18	
PROVISION OF LATE NIGHT REFRESHMENT	

Continued from previous page...

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

THE SALE OF COFFEE AND HOT FOOD FROM INSIDE THE SHOP.

Continued from previous page...

State any seasonal variations.

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

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

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

Section 13 of 18

SUPPLY OF ALCOHOL

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Continued from previous page...

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

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

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

THE PREMISES LICENCE IS DISPLAYED ONSITE FOR TRADING STANDARDS COMPLIANCE.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

SINCE GARDNER GARAGES LIMITED ACQUIRED THE SITE IN DECEMBER 2018 WE HAVE TAKEN STEPS TO BRING THE SITE IN LINE WITH THE OPERATING STANDARDS OF OUR EXISTING STORES IN GLOUCESTERSHIRE.
WE HAVE APPOINTED THE SITE MANAGER OF OVER 15 YEARS AS THE DESIGNATED PREMISES SUPERVISOR.
WE HAVE INVESTED IN THE REPLACEMENT OF CANOPY BULBS AND FLOODLIGHTS TO PROVIDE BETTER VISIBILITY AT NIGHT AND WILL CONTINUE TO INVEST IN THE LIGHTING
WE HAVE IMPROVED THE CCTV SYSTEM, INCREASED THE NUMBER OF CAMERAS AND HAVE 24 HOUR REMOTE ACCESS
WE PRIDE OURSELVES AT RETAINING EXPERIENCED STAFF AND INVESTING IN THEIR TRAINING
WE HAVE INVESTED IN TRAINING THE STAFF, NEW AND OLD, WITH AN ANNUAL SUBSCRIPTION TO CPL ONLINE TRAINING.
WE HAVE PAID FOR ALL EXISTING STAFF MEMBERS TO ATTEND THE BIIAB LEVEL 2 NATIONAL AWARD FOR PERSONAL LICENSE HOLDERS COURSE.
WE HAVE ADOPTED THE '25 POLICY' AND OUR STAFF ARE FULLY TRAINED ON THIS POLICY AND WE HAVE SIGNS & NOTICES DISPLAYING THIS.
WE HAVE INVESTED IN KEY STAFF AND APPLIED FOR THEIR PERSONAL LICENSES TO SELL ALCOHOL FOR CONSUMPTION OFF THE PREMISES
WE WILL CONTINUE TO INVEST AND MANAGE THE PREMISES TO ENSURE THAT THE SITE TRADES WITHIN THE LAW.

b) The prevention of crime and disorder

WE HAVE INVESTED IN THE CCTV SYSTEM AND INCREASED THE NUMBER OF CAMERAS TO IMPROVE THE SECURITY OF THE GENERAL PUBLIC, STAFF AND THE SITE AND WE HAVE 24 HOUR REMOTE ACCESS TO THE CCTV AND CAMERA VIEWS. THE IMAGES OF THE CCTV ARE HELD ON HARD DRIVE AND WILL BE MADE AVAILABLE TO THE POLICE UPON REQUEST IF NEEDED.
WE HAVE INVESTED IN THE TRAINING OF OUR STAFF AND PROVIDE ONGOING AND REFRESHER TRAINING TO ENSURE THAT THEY CONTINUE TO STAY COMPETENT.
THE CANOPY BULBS HAVE BEEN REPLACED RESULTING IN BETTER LIGHTING DURING TWILIGHT HOURS.
WE WILL CONTINUE TO ENSURE THAT ALCOHOL IS NOT SOLD TO ANYONE WHO APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL AND IS NOT KNOWINGLY SOLD TO ANYONE UNDER AGE.
WE HOLD A REFUSAL LOG AND THE DPS REVIEWS THIS PERIODICALLY.

c) Public safety

Continued from previous page...

WE WILL CONTINUE TO ENSURE THAT OUR EVACUATION PROCEDURES STAY RELEVANT AND ARE UPDATED ACCORDINGLY. WE HOLD A VALID ANNUAL ELECTRICAL TEST CERTIFICATE AND WILL CONTINUE TO ENSURE THAT THE EQUIPMENT IS TESTED IN ACCORDANCE WITH THE LAW AND REGULATIONS. WE WILL ENSURE THAT OUR RISK ASSESSMENTS ARE DULY COMPLETED AND REVIEWED IN ACCORDANCE WITH THE LAW AND OUR COMPANY PROCEDURES.

WE WILL CONTINUE TO ENSURE THAT THE SITE FIRST AID KIT IS CHECKED PERIODICALLY AND REPLENISHED AND UPDATED AS REQUIRED AND THAT THE ACCIDENT BOOK IS KEPT AVAILABLE AND REVIEWED.

WE WILL CONTINUE TO ENSURE THAT ALL BREAKAGES AND SPILAGES ARE DEALT WITH IN ACCORDANCE WITH OUR COMPANY POLICY.

d) The prevention of public nuisance

WE WILL CONTINUE TO ENSURE THAT NOISE, LIGHTING AND ODOUR LEVELS ARE CONTROLLED SO AS TO REDUCE THE RISK OF CAUSING A PUBLIC NUISANCE.

WE WILL CONTINUE TO ENSURE THAT LITTER BINS ARE EMPTIED REGULARLY AND THE SITE AND PERIMETER OF THE SITE ARE LITTER PICKED AS FAR AS REASONABLY POSSIBLE

e) The protection of children from harm

WE HAVE ADOPTED THE '25 POLICY' AND WILL CONTINUE TO ENSURE IT'S IMPLEMENTATION. ALL OUR STAFF ARE FULLY TRAINED ON THIS POLICY AND WE HAVE SIGNS & NOTICES DISPLAYING THIS. THE TRAINING WE HAVE AND DO PROVIDE ENSURES THAT WE ARE VIGILANT IN ENSURING THAT OUR STAFF ARE COMPETENT IN PROTECTING CHILDREN FROM HARM AND REFUSE SALE OF AGE RESTRICTED PRODUCTS TO MINORS. WE HAVE TILL PROMPTS ON THE TILLS TO REMIND THE STAFF TO CHECK AGES. ALL OUR STAFF HAVE PASSED THE BIIAB LEVEL 2 AWARD FOR PERSONAL LICENSE HOLDERS AND WE WILL CONTINUE TO INVEST IN TRAINING.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

DECLARATION

1

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) Next >



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

**Premises Licence Number PR01589 (App to Vary DPS)
Part 1 - Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description MACE CITY SELF SERVE COMMERCIAL ROAD	
Post town HEREFORD	Postcode HR1 2BG
Telephone number 01432 266396	

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence (All indoors unless otherwise stated)
<ol style="list-style-type: none"> 1. Sale by retail of alcohol 2. Late night refreshment (Hot Beverages Only)

The times the licence authorises the carrying out of licensable activities
Sale by retail of alcohol Monday – Sunday 07:00 – 22:00
Late night refreshment Monday – Sunday 23:00 – 05:00

The opening hours of the premises
Monday – Sunday 00:00 – 24:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Gardner Garages Limited Cheltenham Service Station Lansdown Road Cheltenham Gloucestershire GL50 2JA 07826857797

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

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

5719429

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

Anoushka Webb

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

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: PL3133

Issuing authority: Herefordshire Council

Annex 1 - Mandatory conditions (remove where necessary)

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.

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.

Annex 2 – Conditions consistent with the operating schedule

Licensing conditions

General:

Prevention of Crime:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Licensing Section, Herefordshire Council

8 St Owen Street, Hereford. HR1 2PJ

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 into DVD for 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 the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

2. 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

3. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with 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.

4. All alcoholic spirits shall only be displayed for sale behind the counter of the premises.

5. There shall be at least two waste bins located at the exit to the premises forecourt. Such bins shall be emptied when full.

6. Late night refreshments sold from the premises shall be restricted to hot beverages only. Beverage is defined as a liquid which can be drunk from a cup.

7. The sale of alcohol shall only be permitted between the hours of 0700 to 2200.

Protection of Children from Harm:

8. 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 bar advertising the scheme operated.

9. 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 premise 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.

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

Annex 3 – Conditions attached after a hearing by the Licensing Authority
None

Annex 4 - Plans
As attached

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

Premises Licence Number PR01589 (App to Vary DPS)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description MACE CITY SELF SERVE COMMERCIAL ROAD	
Post town HEREFORD	Post code HR2 8AG
Telephone number	

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence (All indoors unless otherwise stated) 1. Sale by retail of alcohol 2. Late night refreshment (Hot Beverages Only)

The times the licence authorises the carrying out of licensable activities Sale by retail of alcohol Monday – Sunday 07:00 – 22:00 Late night refreshment Monday – Sunday 23:00 – 05:00

The opening hours of the premises Monday – Sunday 00:00 – 24:00

Name, (registered) address of holder of premises licence Gardner Garages Limited Cheltenham Service Station Lansdown Road Cheltenham Gloucestershire GL50 2JA 07826857797

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

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

5299115

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

Anoushka Webb

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

The premises shall operate a Challenge 25 Policy

West Mercia Police Representation

West Mercia Police are in receipt of an application to vary the premises licence for a licensed premises known as **Mace City Services, Commercial Road, Hereford**. The application is to vary the hours for the sale/supply of alcohol and late night refreshment.

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

This premises is within an area covered by the special cumulative impact policy contained in the licensing policy of Herefordshire Council. This special policy has been in place for a number of years and is still relevant due to the concentration of licensed premises within the designated area and the disproportionate level of alcohol related crime and disorder associated to the area.

The guidance issued under S182 of the Licensing Act 2003 states that it is a rebuttable assumption that no new applications for new premises licences or variations will be allowed unless the applicant shows how the application will not undermine this policy and the licensing objectives.

The applicant has failed to recognise the existence of this policy in their application and has additionally the need to address the requirements of the S182 guidance. This premises already operates 24/07 as a garage and convenience store and does attract large numbers of foot trade from members of the public passing through the area after leaving other late night licensed venues. It is the understanding of the Police that on most nights the premises is staffed by one member of staff and operates through a window service. The fact that this premises is already operating 24/07 means that levels of disorder do occur on or near the area.

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

