

## Representation made by the Local Authority 10 March 2017

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to the premises licence in respect of 'Hereford Fish & Chip Shop, 60 Commercial Road, Hereford, HR1 2BP'.

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

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

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

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

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

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

The guidance under Section 182 of the Act states:

- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - any risk posed to the local area by the applicants' proposed licensable activities; and
  - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

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

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

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

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

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

**Fred Spriggs**  
**Licensing Officer**