

Rejection of TEN - ~The Butter Market 07/07/2018

From: Licensing
Sent: 03/07/2018 12:11

Message [Darren Sockett TEN rejection letter 03.07.18.doc \(60 KB\)](#)

Dear Sir/Madam,

Please find attached rejection letter for TEN submitted to Herefordshire Council on the 02/07/2018 for an event at The Butter Market on 07/07/2018 this is due to being out of timescale.

Kind regards
Licensing

Darren Sockett
21 Burcott Road
Hereford
Herefordshire
HR4 9LW

Economy, communities and corporate

Director: Geoff Hughes

Your Ref:
Our Ref: OTEN18/520
Please ask for: Licensing
Direct line / Extension: (01432) 261761
Fax: (01432) 261982
E-mail: licensing@herefordshire.gov.uk

3 July 2018

Dear Mr Sockett,

**LICENSING ACT 2003 – LATE TEMPORARY EVENT NOTICE
THE BUTTER MARKET, HEREFORD, HEREFORDSHIRE HR1 2DS**

Thank you for your application for a Temporary Event Notice for the **07/07/2018** received on 02/07/2018. Due to less than **5 working days'** notice between receipt of the application and the event **we are unable to accept it on this occasion. We would have had to receive the notice by 29/06/2018 at 17:00 at the very latest.**

Standard TEN -the processing time for the application is 10 working days. In calculating the 10 days the government have advised us that we cannot count the day that the application is received or the day of the actual event.

A **Late TEN** can be given no later than **5 working days** but no earlier than 9 working days before the event in relation to which the notice is given. In calculating the 9-5 days the government have advised us that we cannot count the day that the application is received or the day of the actual event. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

We will arrange a refund, which you will receive in due course.

For further information or advice, please contact our helpdesk on the telephone number above.

Yours sincerely,

**SARAH DAVIES
LICENSING ASSISTANT
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

From: Licensing
Sent: 16 July 2018 15:34
To: [REDACTED]
Subject: Buttermarket Premise Application
Attachments: A suitable and sufficient Plan of the premises.doc; ELI PREM - 4 Premises Supervisor Consent Form.doc; Schedule 4 - 6 3 17 Application for a premises licence to be granted (2).docx

Dear Sir/Madam

Thank you for submitting your application to grant a premise licence at The Buttermarket I have reviewed the application and found the following to be incomplete:

Section 17 of 21 – Opening Times

The opening times do not match what is being applied for. Sale/Supply of alcohol is for Monday – Saturday 08:00 – 17:00 and Sunday 10:00 – 17:00

The opening times you have requested are Monday – Saturday 08:00 – 17:00

We cannot licence something (ie: Sunday) when the premise is not open.

Sale of Alcohol DPS Consent Form

The proposed DPS needs to fill out the consent form to become DPS. The purpose of this form is to get the proposed DPS' authority to be named on the licence. (form attached).

It was noted that the proposed DPS does not have a personal licence.

A Personal Licence is required by anyone authorising the sale of alcohol from a Licensed Premises. All Licensed Premises must have an allocated Personal Licence Holder, known as the Designated Premises Supervisor (DPS). The DPS must authorise every sale of alcohol.

In order to obtain a Personal Licence; applicants must be 18 years of age or above and will need the following:

- Personal Licence application form – Obtained from local Councils or Licensing Authorities.
- Level 2 Award for Personal Licence Holders Qualification Certificate
- Basic Disclosure and Barring Service (this replaces the CRB check)
- Two passport-size photos - Signed by a professional to prove the identity of the applicant
- Application fee - £37

All of the above must be submitted to the local Council (where the applicant lives) in order to apply for the Licence to sell alcohol.

The Personal Licence is obtained independently of the Premises Licence.

A suitable and sufficient Plan of the premises –

Attached is what the Licensing Authority expects to see on a plan. The plan forms part of the licence

Please amend the application accordingly and re-submit to the Licensing Section. We will put the application on hold until we receive the missing items.

Please be advised that you should not advertise your application until the licensing section has formally accepted your application.

Yours sincerely
Emma

Licensing Section
Herefordshire Council
Tel: 01432 261761
Fax: 01432 261982
Email: licensing@herefordshire.gov.uk
Post: Licensing Section, 8 St. Owens Street, Hereford, HR1 2PJ

Herefordshire.gov.uk

Please note: - Licensing operate an up to 5 working day call/email back system. For all work related emails, please send to licensing@herefordshire.gov.uk

Council's Homepage www.herefordshire.gov.uk

Any opinion expressed in this email or any attached files are those of the individual and not necessarily those of Herefordshire Council. This email and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this email in error, you are advised that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please contact the sender immediately and destroy all copies of it.

Save paper - please only print out this message if you really need to.

Bowell, Emma

From: Licensing
Sent: 04 October 2018 12:51
To: [REDACTED]
Subject: Butter Market Premise Licence Application

Dear Sir/Madam

Thank you for submitting your application to grant a premise licence at the Butter Market
I have reviewed the application and found the following to be incomplete:

A suitable and sufficient Plan of the premises –

The plan forms part of the licence

Licensable Activity area marked in red

Area alcohol to be consumed in blue

These areas need to be identified on a key on the plan

The location and type of any fire safety and any other safety equipment (including type of fire extinguishers e.g. water, powder etc);

Please amend the application accordingly and re-submit to the Licensing Section. We will put the application on hold until we receive the missing items.

Please be advised that you should not advertise your application until the licensing section has formally accepted your application.

Regards
Licensing

Bowell, Emma

From: Licensing
Sent: 05 October 2018 16:19
To: [REDACTED]
Subject: Butter Market Application
Attachments: Full Acknowledgement Letter 05.10.18.doc; Grant Cover letter 05.10.18.doc; ELI_PREM_-2_Notice_of_Application_for_Licence(blue).doc; ELI_PREM_-3_Notice_of_Application_for_Licence(white_NEW_ADDRESS).doc; Guidance Notice Template.doc

Good afternoon

Thank you for submitting an application for a premise licence.
I am pleased to inform you that the licensing department has accepted your application.
I have attached all the relevant documentation that is needed for the next part of the process.

You are required to advertise in a newspaper that is local to the premise and that is distributed door to door OR that is readily available at local shops/premises.
This needs to be done within 10 working days of 6th October 2018 (day 1 being the 6th).

Also you will need to advertise on blue paper on the premises for the full 28day consultation period (blue notices to go up at the premise on the 5th, ready in place for the 6th).
These notices should be placed where the public have access to, whether they are coming to the premise or passing at the end of a lane should the premises have one. The notices need to be placed every 50m around the perimeter of the proposed licensed area.

I hope this makes sense, please contact me should you have any queries

Many thanks
Emma

Licensing Section
Herefordshire Council
Tel: 01432 261761
Fax: 01432 261982
Email: licensing@herefordshire.gov.uk
Post: Licensing Section, 8 St. Owens Street, Hereford, HR1 2PJ

Herefordshire.gov.uk

Please note: - Licensing operate an up to 5 working day call/email back system. For all work related emails, please send to licensing@herefordshire.gov.uk

Natasha Dunlop
Sockett Properties Ltd
21 Burcott Road
Hereford
HR4 9LW

Your Ref:
Our Ref: PR01834
Please ask for: Licensing
Direct Line / Extension: 01432 261761
Fax: 01432 261982
E-mail: licensing@herefordshire.gov.uk

5TH October 2018

Dear Sir/Madam

LICENSING ACT 2003**PREMISES LICENCE APPLICATION****PREMISES NAME: THE BUTTER MARKET, MAYLORD STREET, HEREFORD. HR1 2DS****Your 28 day consultation period starts on 6th October 2018****This is the date that must be shown in the advertisements**

In reference to your recent Premises Licence Application, the Licensing Section would like to acknowledge receipt of your full application. **If there have been amendments to your initial application, please ensure that you forward the amended application to the other responsible authorities immediately.**

As you have applied for a new grant of a premises licence you must comply with the 'The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005'. The most common breaches are in respect of the requirement to advertisement and serve the application on the responsible authorities. For this reason the regulations, which apply to these, are reproduced below: -

Advertisement of applications

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26 -

(a) **for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority**, by displaying a notice,

(i) which is -

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, **prominently at or on the premises** to which the application relates where it can be conveniently **read from the exterior** of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the

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

www.herefordshire.gov.uk | facebook: hfdscouncil | twitter: @hfdscouncil

same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

(b) by publishing a notice -

(i) in a **local newspaper** or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion **during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.**

26. - (1) In the case of an application for a premises licence or a club premises certificate, the **notices** referred to in regulation 25 shall contain a **statement of the relevant licensable activities** or relevant qualifying club activities as the case may require which it is proposed will be carried on on or from the premises.

(2) In the case of an application for a provisional statement, the notices referred to in regulation 25 -

(a) shall state that representations are restricted after the issue of a provisional statement; and

(b) where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.

(3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.

(4) In all cases, the notices referred to in regulation 25 shall state -

(a) the name of the applicant or club;

(b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;

(c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;

(d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority;

(e) that representations shall be made in writing; and

(f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

Notice to responsible authority

27. In the case of an application for a premises licence under section 17, a provisional statement under section 29, a variation of a premises licence under section 34, a review under section 51, a club premises certificate under section 71, a review under section 87 or a variation of a club premises certificate under section 84, the person making the application shall give notice of his application to each responsible authority by giving to each authority a copy of the application together with its accompanying documents, if any, **on the same day as the day on which the application is given to the relevant licensing authority.**

IF YOU DO NOT COMPLY WITH THE REGULATIONS WE HAVE NO POWER TO DETERMINE YOUR APPLICATION AT THE END OF THE CONSULTATION PERIOD. In effect your licence will not be granted. Your premises will be visited to ensure compliance with the regulations.

In order for your licence to be processed without delay, you must submit confirmation of the advert (a copy of the advert with proof of the name of the paper/circular and date of publication) to the licensing section, within the next 14 days.

During the 28 day representation period responsible authorities and interested parties (including local residents) can make relevant representations to the Licensing Section regarding your application. Provided that you have complied with the regulations and the 28 day representation period has lapsed, the licensing section will write to inform you of the outcome and advise you accordingly.

Should you have any queries or require any additional information, please contact the Licensing Helpline on 01432 261761.

Yours faithfully,

**LUCY BOND
LICENSING ASSISTANT
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

**Economy, communities and corporate Directorate
Director: Geoff Hughes**

Natasha Dunlop
Sockett Properties Ltd
21 Burcott Road
Hereford
HR4 9LW

Your Ref:
Our Ref: PR01834
Please ask for: Licensing
Direct Line / Extension: 01432 261761
Fax: 01432 261982
E-mail: licensing@herefordshire.gov.uk

5th October 2018

Dear Sir/Madam

**LICENSING ACT 2003
APPLICATION TO GRANT PREMISE LICENCE**

Please find attached acknowledgement that the application for The Butter Market, Hereford.

**The start date for consultation is 6th October 2018 and consultation ends 2nd
November 2018**

I have attached the templates for the blue notice for the premise and the newspaper advert. The start date needs to be on these notices.

The blue notices need to be placed where the public have access. The blue notices need to be put on the premise straight away and the newspaper notices needs to appear in a local newspaper to the premise within 10 working days of 6th October 2018.

Yours faithfully,

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

It is with regret that the Authority now finds itself unable to provide any advice in respect of newspaper or premise notices. The Authority is providing the template below as GUIDANCE ONLY and accepts NO RESPONSIBILITY for any advertisement which is incorrect. If you need advice or assistance then you should obtain your own legal advice.



Licensing Act 2003

Notice of Application for Grant/Variation Premise Licence/Club Premises Certificate

1. I/We (this needs to be the name that is shown on the application form and address of applicant)

hereby give notice that an application was made to **Herefordshire Council** on

the _ day of _ 2018

*this should be the day after we **accept** the application – the consultation date starts the day after we accept the application and will be shown on your acknowledgement letters)*

For a Grant/Variation of a licence to operate a premises at
(the name and address of the premises subject to application)

on/from which the following licensable activities are proposed
(this needs to show all the licensable activities you are applying for – ie: Live Music, Sale/Supply of Alcohol etc and whether they are indoors or outdoors)

between the hours of,

(the hours that you have applied to be licensed – if you have asked for Non-Standard timings – ie: Bank Holidays, you also need to show these here)

2. The full application, giving details about the premise and proposed licensable activities, has been sent to the Licensing Section, Herefordshire council. This may be inspected, free of charge, at the offices of the council at

8 St Owen Street, Hereford. HR1 2PJ

between the hours of 09:30 – 13:30 (or by prior appointment)

Monday to Friday or

https://www.herefordshire.gov.uk/info/200145/business/58/current_licensing_applications

3. An interested party or Responsible Authority may make representations to the Licensing Section within 28 Consecutive Days of the day the application was made as detailed above. End date of consultation *(end date inserted here – this is shown on the acknowledgment cover letter)*

It is an offence to knowingly or recklessly make a false statement in connection with an application and a person may be liable on summary conviction to an unlimited fine

(This is a prescribed form for the notice which applicants seeking a Grant/Variation of a Premise Licence/Club Premises Certificate are required to publish in one local newspaper or newsletter within 10 working days starting on the day after the day on which the application was made and to exhibit prominently at or on the premises to which the application relates for a period of no less 28 consecutive days)



Licensing Act 2003

Notice of Application for Grant Premise Licence/Club Premises Certificate

1.I/WE

hereby give notice that an application was made to **Herefordshire Council** on

the _ day of ___ 2018

For a Grant/Variation of a licence to operate a premises at

from which the following licensable activities are proposed

between the hours of,

2. The full application, giving details about the premise and proposed licensable activities, has been sent to the Licensing Section, Herefordshire council. This may be inspected, free of charge, at the offices of the council at

8 St Owen Street, Hereford. HR1 2PJ
between the hours of 09:30 – 13:30 (or by prior appointment)
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An interested party or Responsible Authority may make representations to the Licensing Section within 28 Consecutive Days of the day the application was made as detailed above.
(End date of consultation inserted here)

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(This is a prescribed form for the notice which applicants seeking a Grant/Variation of a Premise Licence/Club Premises Certificate are required to publish in one local newspaper or newsletter within 10 working days starting on the day after the day on which the application was made and to exhibit prominently at or on the premises to which the application relates for a period of no less 28 consecutive days)



**Licensing Act 2003
Notice of Application for Grant/Variation
Premise Licence/Club Premises Certificate**

1. I/We (name and address of applicant)

hereby give notice that an application was made to **Herefordshire Council** on

the _ day of _ 2018

For a Grant/Variation of a licence to operate a premises at

on/from which the following licensable activities are proposed

between the hours of,

2. The full application, giving details about the premise and proposed licensable activities, has been sent to the Licensing Section, Herefordshire council. This may be inspected, free of charge, at the offices of the council at

8 St Owen Street, Hereford. HR1 2PJ
between the hours of 09:30 – 13:30 (or by prior appointment)
Monday to Friday or
https://www.herefordshire.gov.uk/info/200145/business/58/current_licensing_applications

3. An interested party or Responsible Authority may make representations to the Licensing Section within 28 Consecutive Days of the day the application was made as detailed above. (*End date of consultation inserted here*)

It is an offence to knowingly or recklessly make a false statement in connection with an application and a person may be liable on summary conviction to an unlimited fine.

(This is a prescribed form for the notice which applicants seeking a Grant/Variation of a Premise Licence/Club Premises Certificate are required to publish in one local newspaper or newsletter within 10 working days starting on the day after the day on which the application was made and to exhibit prominently at or on the premises to which the application relates for a period of no less 28 consecutive days)

From: Licensing
Sent: 30 October 2018 10:12
To: 'Nick Semper' <info@semperfidelisconsultancy.co.uk>
Cc: [REDACTED]
Subject: Butter Market Newspaper Advert

Good morning both

Thank you for submitting the newspaper Advert for The Butter Market
I have checked through the newspaper advert and unfortunately, it has come to our attention that the notice placed in the newspaper is incorrect. It doesn't give the full details of the Grant applied for.

The advert proposes that
Sale and consumption of alcohol between 08:00 – 17:30

The application (copy attached) proposes

Recorded Music (Indoors) & Sale/Supply of Alcohol (consumption on and off the premises)
Monday – Saturday
08:00 – 17:30
Sunday 10:00 – 16:00

Live Music (Indoors)
Saturday
10:00 – 16:00

Non-Standard Timings
Sale/Supply of Alcohol on every Wednesday in December until 21:00

As you can see there are **discrepancies (highlighted in red)** between the activities/timings in the application and what was advertised.

Under the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music if:

- ***it takes place between 8AM and 11PM; and***
- ***it takes place at an alcohol on-licensed premises; and***
- ***the audience is no more than 500 people***

You also don't need a licence:

- ***to put on unamplified live music at any place between the same hours***

As the hours applied for Live Music & Recorded Music fall under the Live Music Act 2012, you can have Live & Recorded Music at the premises as long as it falls within the bullet points above.

It is now a matter for you as to how you further this matter. One option open to you would be request us to re-start the 28-day period again. Whilst there would be no additional fee for this to us, you would

be required to re-advertise your application in the newspaper again showing the amended consultation dates, and **full details** of the variation.

Another option open to you would be to grant the application as advertised in the newspaper advert with the timings stated below.

So your premise licence would read;

Sale/Supply of Alcohol for consumption on and off the premises

Monday – Saturday 08:00 – 17:30

Sunday 10:00 – 16:00

Please confirm in writing your intention on how you wish to proceed.

Many thanks

Emma

Herefordshire.gov.uk

Licensing Section
Economy and Place Directorate
8 St Owen Street, Hereford
HR1 2PJ
Tel 01432 261761

Please note: - Licensing operate an up to 5 working day call/email back system

From: Nick Semper [<mailto:info@semperfidelisconsultancy.co.uk>]

Sent: 30 October 2018 11:29

To: Licensing <licensing@herefordshire.gov.uk>

Cc: [REDACTED]

Subject: Re: Butter Market Newspaper Advert

Dear Emma,

Unfortunately the newspaper advert was placed before I got involved, so was outside my control. Apparently the applicant tried on many occasions to get some advice and guidance, but didn't get a ring back - hence they came to me.

HOWEVER, in the meantime... because it's so close to Christmas and the Festive Season, can we take you up on your offer of the grant of that Licence as specified below ie

Sale/Supply of Alcohol for consumption on and off the premises

Monday – Saturday 08:00 – 17:30

Sunday 10:00 – 16:00

We will put in some Variations at a later date depending on how the business grows and develops. Thank you very much for all your help, as always.

Nick SEMPER
07890 105387

From: Licensing
Sent: 30 October 2018 13:03
To: 'Nick Semper' <info@semperfidelisconsultancy.co.uk>
Cc: [REDACTED]
Subject: RE: Butter Market Newspaper Advert

Hi Nick

I have looked back at all the callbacks and emails that have come in since 30.09.18 and I can't find anything logged from your client requesting they needed guidance with the advert. As you may know, when we accept applications and let applicants know the consultation dates, we do send them out a guidance template (which I have attached) as well as the blank templates. On top of this template it does say

It is with regret that the Authority now finds itself unable to provide any advice in respect of newspaper or premise notices. The Authority is providing the template below as GUIDANCE ONLY and accepts NO RESPONSIBILITY for any advertisement which is incorrect. If you need advice or assistance then you should obtain your own legal advice.

The copy of the guidance template and blank templates were sent to your client by email on 05.10.18 at 16:19 along with the acknowledgement letters.

I hope this clarifies things.

With regards to pressing on with the application, thank you for confirming how your client wishes to proceed, I have saved this into the file.

Many thanks
Emma

Bowell, Emma

From: Edwards, Sophie (Gypsy Traveller and Licensing Assistant)
Sent: 04 December 2018 13:17
To: Bowell, Emma
Subject: FW: Rejection of TEN / The Butter Market / 3.11.2018
Attachments: Natasha Dunlop TEN Rejection Letter - received out of time 3.11.2018.doc

Sophie Edwards
Gypsy Traveller & Licensing Assistant
Environmental Health & Trading Standards


8 St Owen Street
Hereford
HR1 2PJ

From: Edwards, Sophie (Gypsy Traveller and Licensing Assistant)
Sent: 31 October 2018 12:28
To: 'Natasha Dunlop'
Cc: Environmental Protection; 'licensing.herefordshire@westmercia.pnn.police.uk'
Subject: Rejection of TEN / The Butter Market / 3.11.2018

Good Afternoon

Please see attached letter in reference to a TEN submitted to Herefordshire Council.

Kind Regards

Sophie Edwards
Gypsy Traveller & Licensing Assistant
Environmental Health & Trading Standards


8 St Owen Street
Hereford
HR1 2PJ

Natasha Dunlop
Longmeadow
Breinton Road
Breinton
Hereford
HR4 7PA

Your Ref:
Our Ref: OTEN18
Please ask for: Licensing
Direct line / Extension: (01432) 261761
Fax: (01432) 261982
E-mail: licensing@herefordshire.gov.uk

31st October 2018

Dear Ms Dunlop

**LICENSING ACT 2003 – LATE TEMPORARY EVENT NOTICE
THE BUTTER MARKET, HIGH TOWN, HEREFORD, HR1 2DS**

Thank you for your application for a Temporary Event Notice for the **3rd November 2018** received on **29th October 2018**. Due to less than **5 working days'** notice between receipt of the application and the event **we are unable to accept it on this occasion. We would have had to receive the notice by Friday 26th October 2018 at 17:00 at the very latest. Saturday's, Sunday's and Bank Holiday's do not count as working days.**

Standard TEN -the processing time for the application is 10 working days. In calculating the 10 days the government have advised us that we cannot count the day that the application is received or the day of the actual event.

A **Late TEN** can be given no later than **5 working** days but no earlier than 9 working days before the event in relation to which the notice is given. In calculating the 9-5 days the government have advised us that we cannot count the day that the application is received or the day of the actual event. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

We will arrange a refund, which you will receive in due course.

For further information or advice, please contact our helpdesk on the telephone number above.

Yours sincerely,

**SOPHIE EDWARDS
GYPSY TRAVELLER AND LICENSING ASSISTANT
ENVIRONMENTAL HEALTH & TRADING STANDARDS**