

Supplement to the agenda for

Licensing sub-committee

Friday 10 August 2018

10.00 am

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

	Pages
4. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'BALTI SHABAGH, 16 BURGESS STREET, LEOMINSTER, HR6 8DE- LICENSING ACT 2003	3 - 32
5. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'TASTE OF INDIA, 52 WEST STREET, LEOMINSTER, HR6 8EU- LICENSING ACT 2003	33 - 48
6. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'SUMMER PALACE ORIENTAL RESTAURANT, 60 WIDEMARSH STREET, HEREFORD. HR4 9HG - LICENSING ACT 2003.	49 - 64

RESTRICTED (when complete)

Page 1 of 3

WITNESS STATEMENT

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

URN:

Statement of: Duncan REYNOLDS

Age if under 18: Over 18

Occupation: Police Officer

This statement (consisting of 1 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: D J REYNOLDS

Date: 19th June 2018

On Thursday 14th June I was leading a multi agency operation involving officers from the following agencies:

- Hereford and Worcester Fire & Rescue Service ([REDACTED])
- Home Office Immigration ([REDACTED])
- Herefordshire Council Housing Enforcement ([REDACTED])
- Gang Masters & Labour Abuse Authority GLAA ([REDACTED])
- West Mercia Police ([REDACTED]).

At approximately 19:30hrs on this date we entered SHABAGH TANDOORI, BURGESS STREET, LEOMINSTER as a joint Fire Inspection visit and a Police Licensing Act visit.

Upon entry, we were greeted by a young male of Bangladeshi appearance who was dressed as a waiter with the 'Shabagh' log on his waistcoat. The premises were open and several customers were seated and eating. I now know this male to be [REDACTED]. I observed [REDACTED] serving alcoholic drinks and food to a table of customers.

We introduced ourselves and asked to speak to the Manager. He replied that the manager was in the kitchen and I followed him to the rear of the restaurant. A male I now know to be the manager began shouting something in Bangladeshi and a male ran from the kitchen into the rear yard of the premises where he was stopped by Police and Immigration Officers who were at the rear.

I now know this male to be [REDACTED]. [REDACTED] was checked on PNC and was identified as being wanted on warrant for failing to appear at court. He was also identified as subject to Immigration offences and was arrested by myself. He admitted to working at the Shabagh restaurant and stated he had been employed there for three weeks and lived in a room above the restaurant. We went upstairs and he retrieved his clothing, mobile phone, money and medication. HWFRS Officers served a Prohibition Notice due to the imminent risk of death or serious injury in the event of fire in the upstairs.

Signature: D J REYNOLDS

Signature witnessed by:

2010/11

d_rey001/08/18

RESTRICTED (when complete)

Page 2 of 3

Statement of: Duncan REYNOLDS

URN:

█████ admitted to working at the restaurant for almost 12 months and consented to his photograph being taken along with producing an ID card that prohibited employment. █████ admitted to living above the restaurant.

I am in no doubt that █████ works in the restaurant as a waiter and █████ as a kitchen assistant from the evidence I observed.



DJR/1 – photograph of █████ in Shabagh Uniform

Signature: D J REYNOLDS

Signature witnessed by:

2010/11

d_rey001/08/18

RESTRICTED (when complete)

Page 3 of 3

Statement of: Duncan REYNOLDS

URN: 

DJR/2 – ID card located in [REDACTED] pocket with 'FORBIDDEN FROM TAKING EMPLOYMENT' on front.

Signature: D J REYNOLDS

Signature witnessed by:

2010/11

d_rey001/08/18

Shabagh Restaurant

Employee Name	S [REDACTED] I [REDACTED]
Address	[REDACTED]
Date of Birth	[REDACTED]
National Insurance Number	[REDACTED]
Previous employer	
Current Role	KITCHEN ASSISTANT
Start Date	1/7/18
ID	BELGIAN ID [REDACTED]
Passport Number	
Driving Licence	
Checked by (employers Representative)	MOKBUL MIAH
Dated	8/7/18.

Shabagh Restaurant

Employee Name	A [REDACTED] K [REDACTED]
Address	
Date of Birth	[REDACTED]
National Insurance Number	[REDACTED]
Previous employer	
Current Role	COOK
Start Date	22/6/2018
ID	
Passport Number	[REDACTED]
Driving Licence	
Checked by (employers Representative)	MOKBUL MIAH
Dated	28/6/2018

Shabagh Restaurant

Employee Name	A [REDACTED] H [REDACTED]
Address	[REDACTED]
Date of Birth	[REDACTED]
National Insurance Number	[REDACTED]
Previous employer	
Current Role	KITCHEN ASSISTANT
Start Date	28/5/2018
ID	[REDACTED]
Passport Number	[REDACTED]
Driving Licence	
Checked by (employers Representative)	MOKBUL MAH
Dated	04/6/2018

Shabagh Restaurant

Employee Name	F [REDACTED] O [REDACTED]
Address	[REDACTED]
Date of Birth	
National Insurance Number	
Previous employer	
Current Role	WAITER (BEGINNER)
Start Date	15/6/2018
ID	
Passport Number	[REDACTED]
Driving Licence	
Checked by (employers Representative)	MOKBOL MIAH
Dated	23/6/2018

Shabagh Restaurant

Employee Name	T [REDACTED] M [REDACTED]
Address	[REDACTED]
Date of Birth	[REDACTED]
National Insurance Number	[REDACTED]
Previous employer	
Current Role	WAITER / KITCHEN ASSISTANT
Start Date	06/04/2011
ID	
Passport Number	[REDACTED]
Driving Licence	[REDACTED]
Checked by (employers Representative)	MOKBUL MIAH
Dated	12/04/2011

Shabagh Restaurant

Employee Name	M [REDACTED] D [REDACTED] H [REDACTED]
Address	[REDACTED]
Date of Birth	[REDACTED]
National Insurance Number	[REDACTED]
Previous employer	
Current Role	WAITER
Start Date	06/04/2011
ID	
Passport Number	[REDACTED]
Driving Licence	
Checked by (employers Representative)	MOKBOL MIAH
Dated	11/04/2011

Premises review Consultation Hearing.

Full Name: Mr Mokbul Miah

Business name: Balti Shabagh

I Mokbul Miah, of Balti Shabagh, [REDACTED] will say as follows:

1 I am the proprietor of Balti Shabagh and the designated premises supervisor.

2 I make this statement in relation to the premises review consultation. I have seen the recommendations contained in the Council's letter dated 6 July 2018. In response to those recommendations I attach:

- A) certificates of the training undertaken by all staff
- B) the refusals register
- C) my premises age verification policy and poster

3 Each of these documents will be made available for inspection as and when required by the police or authorised trading standards officer the documents will be kept in a secure place in the restaurant at all times.

3 I note that the council have commented that there has been no intelligence in relation to children being at risk at my premises. I can confirm that position for the following reasons:

- a) I have children of my own and I believe that the safety of children is everybody's responsibility.
- b) Whilst the above systems were not in place until now, we were and have always been careful to ensure that young people are challenged when it has been appropriate to do so at the point of selling alcohol.
- c) I have been trading for 20 years and it is a family friendly restaurant.

4 we also operate a system of verifying IDs of our employees and these are kept at a central record and are available for inspection by an authorised person.

5 As I have stated above I have been trading at this restaurant for more than 20 years and I wish to continue to trade in the normal way having now satisfied the recommendations provided by the Trading Standards.

Statement of Truth

I believe the contents of this statement to be true.

Signed: [REDACTED] Dated: 8/8/18

Full Name: Mokbul Miah

Balti Shabagh

16 Burgess Street Leominster HR6 8DE

PREMISES AGE VERIFICATION POLICY (IN RELATION TO THE SALE OF ALCOHOL ON THIS PREMISES)

Name of Premises	Balti Shabagh
Address of Premises	16 Burgess Street, Leominster, HR6 BDE
Name of Premises Licence Holder	Mokbul Miah
Name of Designated Premises Supervisor	Mokbul Miah

THE POLICY

Staff selling alcohol on these premises must require any individual who would appear to a responsible person to be under the age of 25 years of age to produce on request, before being sold alcohol, identification bearing their photograph and date of birth.

The responsible person must ensure that the any person who would appear to be a 'reasonable person' to be under the age of 25, be subject to this check of an appropriate identification document, to prove they are 18 years of age or older.

EXAMPLES OF APPROPRIATE IDENTIFICATION INCLUDE:


- A Photo Card Driving Licence • A Passport • A Proof of Age Card •

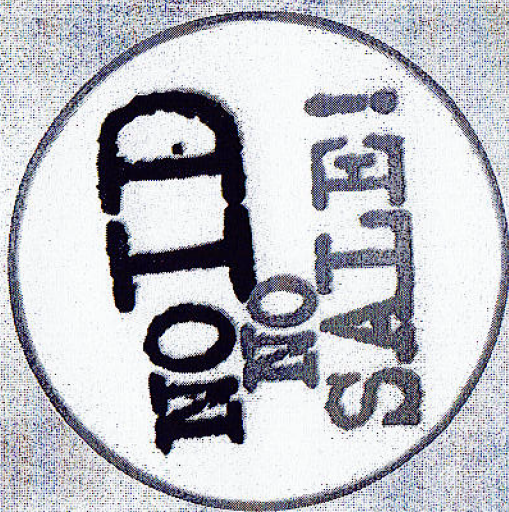
FOR THE PURPOSE OF THIS POLICY A RESPONSIBLE PERSON IS ONE OF THE FOLLOWING:

- The holder of the premises licence
- The Designated Premises Supervisor
- A person aged over 18 years old who is allowed to authorise 'the sale of alcohol by persons under the age of 18'
- A member or officer of a club present on the club premises in a capacity which enables him or her to prevent the supply in question

NOTIFICATION

The premises licence holder will ensure that staff involved in the sale of alcohol, are made aware of the existence and content of this policy. The Designated Premises Supervisor is responsible for enforcement of the policy.

Signed			
	Designated Premises Supervisor / Premises Licence Holder		
Print Name	MOKBUL MIAH	Date	8/8/18



Refusals Register

Keep the Register close to the counter but out of SIGHT!

Best Practice

If a customer fails to produce valid photo-ID that confirms his or her age, the sale should be **REFUSED** and recorded in this Refusals Register after the customer has left the premises.

Keep the register close to the counter but out of SIGHT!



01



02



03



04



05

[01/02] CitizenCard [03] Young Scot card [04] Driving licence [05] Passport

All staff should know where this Refusals Register is kept, and should write an entry whenever an age-related sale is **REFUSED**. A Trading Standards Officer will ask to see it if they visit your store.

The manager will sign off and date each page of this register, which will be kept in a safe place away from customers. The Register may need to be produced in the event that local authority enforcement officers undertake test purchases, other enforcement activity or if a threat of legal action against the premises' manager or staff arises.

no1dnosale.com

Age Restrictions

Which products are restricted?

18

Tobacco products, papers, cigarettes, rolling tobacco
Alcohol, including pre-mixed drinks and 'shot tubes'
Cigarette lighter refills, butane
Solvents including glues and intoxicating substances
Fireworks and sparklers
Knives, razor blades (except safety razors)
R18 Videos, DVDs and PEGI 18 rated games
R18 videos, but you need a special license to sell these
Newspapers and magazines with any 18/R18 DVDs or games attached
Tattoos and sunbeds

16

Lottery, including the National Lottery, scratchcards and the Health Lottery
Party poppers, cracker snaps
Pets and animals
Liquor confectionery
Petrol, paraffin and liquefied petroleum gas
PEGI 16 rated games

15

15 Videos, DVDs and games
Newspapers and magazines with any 15 DVDs or games attached

12

12 Videos, DVDs and PEGI 12 games
Christmas crackers
Newspapers and magazines with any 12 DVDs or PEGI 12 games attached

PENALTIES vary depending upon the product and circumstances of the sale. A seller could receive a fixed penalty of £80 but for repeated sales could be a higher fine up to £5,000. They could also be banned from working in a tobacco shop for up to one year.

The shop owner could receive a fine of up to £5,000 for the first offence but as high as £20,000 for repeated breaches, a criminal record and restrictions placed on any licences that they hold or intend to apply for.

The licence holder could lose their licence to sell alcohol or fireworks, have the lottery terminal removed or be banned from selling tobacco products for up to one year.



If you have a petrol station on site, there are additional restrictions on the sale of anything that is flammable (including the petrol/diesel), explosive or oxidising. This can include many household goods, like cleaning products. In petrol stations these cannot be sold to customers under 16 years.

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
01	Example 01/11/2013	Cigarettes	7:10 PM	Male 14 years Blonde, 5ft 11"	Nervous and refusing to show ID	Allen Smith
02						
03						
04						
05						
06						
07						
08						
Manager's Signature:		Date: 29/07/18				



Additional pages can be downloaded from noidnosale.com

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
09						
10						
11						
12						
13						
14						
15						
16						
Manager's Signature:					Date: 5/8/18	



Additional pages can be downloaded from noidnosale.com

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
17						
18						
19						
20						
21						
22						
23						
24						
Manager's Signature:					Date:	

Additional pages can be downloaded from noidnosale.com



Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
25						
26						
27						
28						
29						
30						
31						
32						
Manager's Signature:						Date:

Additional pages can be downloaded from noidnosale.com



Please record all refusals on the register below

Refusals Register

No.	Date	Product	Time	Name of person or description	Observations	Staff member
33						
34						
35						
36						
37						
38						
39						
40						
Manager's Signature:						Date:

Additional pages can be downloaded from noidnosale.com



Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41						
42						
43						
44						
45						
46						
47						
48						
Manager's Signature:				Date:		

Additional pages can be downloaded from noidnosale.com

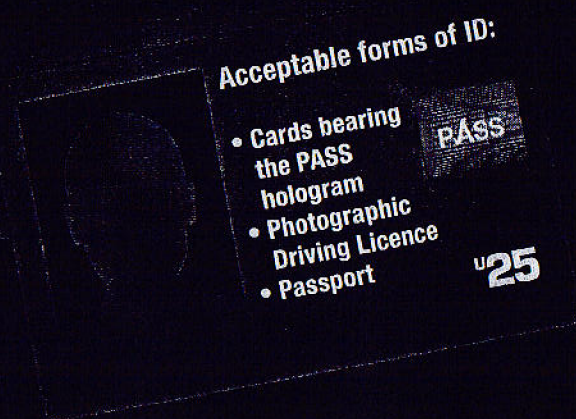


UNDER 25?

- Please be prepared to show proof of age when buying alcohol
-



u25



drinkaware.co.uk

RASG

Retail of Alcohol
Standards
Group

THIS IS TO CERTIFY THAT

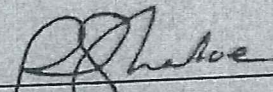
ARSHAF KHAN

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (RQF)**



Course Director



Robert Shaloe

Director
Qualifications Network

Centre Name: Optimised Training Centre
Learner Number: QN20855780
Qualification Number: 603/2619/0
Issue Date: 28/07/2018

Centre Number: 15316
Certificate Number: QN056546
Qualification Level: 2
Assessment Date: 26/07/2018

And has achieved the following credit(s)

Unit title	Unit number	Credit value
Legal and Social Responsibilities of a Personal Licence Holder	F/616/6886	1

Regulated by

Ofqual

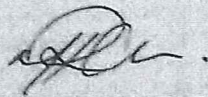


THIS IS TO CERTIFY THAT

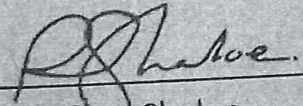
SHAHIDUL ISLAM

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (RQF)**



Course Director



Robert Shaloe
Director
Qualifications Network

Centre Name: Optimised Training Centre
Learner Number: QN20855779
Qualification Number: 603/2619/0
Issue Date: 28/07/2018

Centre Number: 15316
Certificate Number: QN056545
Qualification Level: 2
Assessment Date: 26/07/2018

And has achieved the following credit(s)

Unit title	Unit number	Credit value
Legal and Social Responsibilities of a Personal Licence Holder	F/616/6886	1

THIS IS TO CERTIFY THAT

MOKBUL MIAH

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (RQF)**



Course Director



Robert Shaloe

Director
Qualifications Network

Centre Name: Optimised Training Centre
Centre Number: 15316
Qualification Number: QN056552
Issue Date: 26/07/2018

Centre Number: 15316
Certificate Number: QN056552
Qualification Level: 2
Assessment Date: 26/07/2018

Has achieved the following credit(s)

Unit title	Unit number	Credit value
Personal Licence Holders (RQF)	QNUK 2000	1

Recognised by

Ofqual



QNUK

THIS IS TO CERTIFY THAT

KIBRIA MD GOLAM

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (RQF)**



Course Director



Director
Qualifications Network

Centre Name: Optimised Training Centre
Learner Number: QN20855785
Qualification Number: 503/2619/0
Issue Date: 28/07/2018

Centre Number: 2070
Certificate Number: 20855785
Qualification Level: 2
Expiry Date: 28/07/2020

And has achieved the following credits

Unit title	Unit number	Credits
Legal and Social Responsibilities of a Personal Licence Holder	F551/F586	12

THIS IS TO CERTIFY THAT

MOHAMMED DELWAF HUSSAIN

has been the owner of the

CHURCH ROAD, DISTRICT OF
PERSONAL LEASE, PLOT 17/18





On this 1st day of January 1998
I have signed this document
in the presence of the following witnesses
and the said witnesses have signed the same

Witnesses
1. _____
2. _____
3. _____

AND THIS IS DONE IN THE PRESENCE OF

1. _____	2. _____	3. _____
4. _____	5. _____	6. _____

OIC





THIS IS TO CERTIFY THAT

TOPJUL MIAH

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (RQF)**



Centre Director



Award Holder

Director

Qualification Network

Centre Name: Oxford Training Centre

Centre Number: QNUK055785

Qualification Number: QNUK055785

Issue Date: 15/07/2015

Centre Number: 15115

Qualification Number: QNUK055785

Qualification Level: 2

Assessment Date: 15/07/2015

And has achieved the following credits:

Credit title	Credit number	Credit value
Legal and Social Responsibility of a Personal Licence Holder	QNUK055785	10

THIS IS TO CERTIFY THAT

FOYEZ UDDIN

Has achieved the following qualification

**QNUK Level 2 Award for
Personal Licence Holders (PLH)**



Course Director



Director

Qualification Network

Centre Name: Optimised Training Centre
Learner Number: QN20855782
Qualification Number: 603/2619/0
Issue Date: 28/07/2018

Centre Number: 15336
Certificate Number: QN20855782
Qualification Level: 2
Assessment Date: 24/07/2018

And has achieved the following credit(s)

Unit title	Unit number	Credit value
Legal and Social Responsibilities of a Personal Licence Holder	F/616/5886	12

THIS IS TO CERTIFY THAT

ABUL HUSSAIN

Has achieved the following qualification

QNUK Level 2 Award for
Personal Licence Holders (PLH)



Course Director



Quality Manager

Centre Name: Optimised Training Centre
Learner Number: QN20555781
Qualification Number: 608/2619/0
Issue Date: 28/07/2018

Qualification Number: 608/2619/0
Qualification Number: 608/2619/0
Qualification Number: 608/2619/0
Qualification Number: 608/2619/0

And has achieved the following credit(s)

Unit title	Unit number	Credit value
Legal and Social Responsibilities of a Personal Licence Holder	608/2619/0	1

Ofqual





Meeting:	Licensing sub-committee
Meeting date:	Friday 10 August 2018
Title of report:	Supplement to Agenda Item 5 - Review of a premise licence in respect of 'Taste of India, 52 West Street, Leominster, HR6 8UE– Licensing Act 2003
Report by:	Licensing officer

Classifications

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster East

Additional Information

Since the agenda item was published the Licensing Authority received an application for a minor variation (appendix 1) to amend the conditions on the licence.

The conditions offered were:

1. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.
2. All existing staff shall be trained on appropriate steps to promote the Licensing objectives within three months of the date this condition appears on this licence. All new staff shall be similarly trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter.

The training shall included:

- a. Drugs Awareness
- b. Conflict resolution
- c. Selling to under age person(s)
- d. Selling to drunks

3. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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.
5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
6. A compliance log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - all crimes (relevant to the licensing objectives) reported to the venue
 - all ejections of patrons
 - any complaints (relevant to the licensing objectives) received
 - any incidents of disorder
 - seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
7. No open containers will be removed from the premises.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. External areas of the premises shall not be used for licensable activities after 2300hrs – save for smoking, where it shall be used for the minimum time.
10. No live music after midnight – Monday to Saturday, and 2300hrs on Sundays.
11. A written record 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), the Police or an officer of the UK Border Agency. The written record must record and contain the following information as a minimum:
 - a. Details of all persons employed at the premises in any capacity.
 - b. Date of birth of the person.
 - c. The full name of the person.
 - d. Their current address.

- e. A copy of the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office, with the information required as contained within the document for each person employed.

All such information shall be recorded/copied prior to them working at the premises.
All information detailed above to be supported by a copy of the relevant document(s) as indicated in the current Home Office 'Right to Work Check List' or any other current document issued by the Home Office.

- 12. 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).

The Licensing Authority granted the application in part but was unable to include condition 11 as it duplicates existing legislation and therefore would go against the stated cases of Thwaites and Bristol.

Appendices

Appendix 1 - Minor Variation Application

* required information

Section 1 of 9

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name	<input type="text" value="Taste of India Restaurant"/>
* Street	<input type="text" value="52 West Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="LEOMINSTER"/>
County or administrative area	<input type="text" value="Herefordshire"/>
* Postcode	<input type="text" value="HR6 8EU"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Nick"/>
* Family name	<input type="text" value="SEMPER"/>
* E-mail	<input type="text" value="info@semperfidelisconsultancy.co.uk"/>
Main telephone number	<input type="text" value="01432 373603"/>
Other telephone number	<input type="text" value="07890 105387"/>

Include country code.

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

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

Agent Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

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

Business name	<input type="text" value="Semper Fidelis Consultancy"/>
VAT number	<input type="text" value="-"/> <input type="text" value="n/a"/>
Legal status	<input type="text" value="Sole Trader"/>
Your position in the business	<input type="text" value="Proprietor"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="Rural Enterprise Centre"/>
Street	<input type="text" value="Vincent Carey Road"/>
District	<input type="text" value="Rotherwas Business Park"/>
City or town	<input type="text" value="HEREFORD"/>
County or administrative area	<input type="text" value="Herefordshire"/>
Postcode	<input type="text" value="HR2 6FE"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

PREMISES DETAILS

Refer to the [guidance notes](#) while completing this form.

Premises licence number/club premises certificate number	<input type="text" value="PR 00594"/>
* Name of premises	<input type="text" value="Taste of India"/>

Premises Location

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

☒ Address ☐ OS map reference ☐ Description

* Building number or name	<input type="text" value="52"/>
* Street	<input type="text" value="West Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="LEOMINSTER"/>
County or administrative area	<input type="text" value="Herefordshire"/>
Postcode	<input type="text" value="HR6 8EU"/>
* Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

E-mail	<input type="text"/>
Telephone number	<input type="text" value="01568 611599"/>
Other telephone number	<input type="text"/>

* Brief description of premises ([See Guidance Note 2](#))

Continued from previous page...

Section 3 of 9

APPLICANT DETAILS

* Are you the premises licence holder/club premises certificate holder?

☒ Yes ☐ No

Are the applicants address and contact details the same as the premises address and contact details given in section 2?

☒ Yes ☐ No

Section 4 of 9

PROPOSED VARIATION

Would you like the variation to take effect from 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

[See guidance note 3.](#)

Describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives. ([See Guidance Note 1](#)) This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent).

Details of proposed variation(s) ([See Guidance Note 4](#))

WE do not believe that this Minor Variation will negatively impact upon the Licensing Objectives as our intention is to provide a raft of robust conditions that are proportionate, appropriate and enforceable and will effectively promote the Licensing Objectives.

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

2. All existing staff shall be trained on appropriate steps to promote the Licensing Objectives within three months of the date this condition appears on this licence. All new staff shall be similarly trained within one month of taking up employment.

All staff shall be re-trained twelve monthly thereafter.

The training shall include:

- Drugs Awareness
- Conflict resolution
- Selling to under age person(s)
- Selling to drunks

3. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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.

Continued from previous page...

5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
6. A compliance log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
- all crimes (relevant to the licensing objectives) reported to the venue
 - all ejections of patrons
 - any complaints (relevant to the licensing objectives) received
 - any incidents of disorder
 - seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
7. No open containers will be removed from the premises.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. External areas of the premises shall not be used for licensable activities after 2300hrs – save for smoking, where it shall be used for the minimum time.
10. No live music after midnight – Monday to Saturday, and 2300hrs on Sundays.
11. A written record 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), the Police or an officer of the UK Border Agency. The written record must record and contain the following information as a minimum:
- a. Details of all persons employed at the premises in any capacity.
 - b. Date of birth of the person.
 - c. The full name of the person.
 - d. Their current address.
 - e. A copy of the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office, with the information required as contained within the document for each person employed.
- All such information shall be recorded/copied prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document(s) as indicated in the current Home Office 'Right to Work Check List' or any other current document issued by the Home Office.
12. 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).

Section 5 of 9

OPERATING SCHEDULE

[See guidance on regulated entertainment](#)

Select those parts of the Operating Schedule which would be subject to change if this application to vary were successful (check all that apply)

Provision of regulated entertainment

☐ a. plays

Continued from previous page...

- ☐ b. films
- ☐ c. indoor sporting events
- ☐ d. boxing or wrestling entertainments
- ☐ e. live music
- ☐ f. recorded music
- ☐ g. performance of dance
- ☐ h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment and alcohol

- ☐ i. late night refreshment
- ☐ j. sale by retail of alcohol

This can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm.

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ADDITIONAL INFORMATION

Are you able to submit the premises licence/club premises certificate (or relevant part)?

- ☒ Yes ☐ No

Are you able to submit a copy of the plan?

- ☐ Yes ☒ No

This is necessary if the proposed variation will affect the layout.

Reasons why you have failed to submit the premises licence/club premises certificate or relevant parts, and a copy of the plan (if the proposed variation will affect the layout)

The layout of the building will not be modified in any way, and therefore a new plan is not required.

Any further information to support your application. You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

Section 7 of 9

NOTES FOR GUIDANCE

Continued from previous page...

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.

3. 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.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

Continued from previous page...

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

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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 9 of 9

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.

This formality requires a fixed fee of £89

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the 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-8> 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" value="22/18"/>
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](#) [Next >](#)



Meeting:	Licensing sub-committee
Meeting date:	Friday 10 August 2018
Title of report:	Supplement to Agenda Item 6 - Review of a premise licence in respect of 'Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG' – Licensing Act 2003
Report by:	Licensing officer

Classifications

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Additional Information

Since the agenda item was published the Licensing Authority received an application for a minor variation (appendix 1) to amend the conditions on the licence.

The conditions offered were

1. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
2. All existing staff shall be trained on appropriate steps to promote the Licensing Objectives within three months of the date this condition appears on this licence. All new staff shall be similarly trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. The training shall included:
 - a. Drugs Awareness
 - b. Conflict resolution
 - c. Selling to under age person(s)
 - d. Selling to drunks
3. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire

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

Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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.
5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
6. A compliance log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - all crimes (relevant to the licensing objectives) reported to the venue
 - all ejections of patrons
 - any complaints (relevant to the licensing objectives) received
 - any incidents of disorder
 - seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
7. No open containers will be removed from the premises.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. A written record 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), the Police or an officer of the UK Border Agency. The written record must record and contain the following information as a minimum:
 - a. Details of all persons employed at the premises in any capacity.
 - b. Date of birth of the person.
 - c. The full name of the person.
 - d. Their current address.
 - e. A copy of the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office, with the information required as contained within the document for each person employed.

All such information shall be recorded/copied prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document(s) as indicated in the current Home Office 'Right to Work Check List' or any other current document issued by the Home Office.

10. 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).

The Licensing Authority granted the application in part but was unable to include condition 9 as it duplicates existing legislation and therefore would go against the stated cases of Thwaites and Bristol.

Appendices

Appendix 1. Minor Variation Application

* required information

Section 1 of 9

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

☒ not to be contacted by telephone

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name	Summer Palace Oriental Restaurant
* Street	60 Widemarsh Street
District	
* City or town	HEREFORD
County or administrative area	Herefordshire
* Postcode	HR4 9HG
* Country	United Kingdom

Agent Details

* First name	Nick
* Family name	SEMPER
* E-mail	info@semperfidelisconsultancy.co.uk
Main telephone number	01432 373603
Other telephone number	07890 105387

Include country code.

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

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

Agent Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

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

Business name	Semper Fidelis Consultancy
VAT number	- n/a
Legal status	Sole Trader
Your position in the business	Proprietor
Home country	United Kingdom

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="Rural Enterprise Centre"/>
Street	<input type="text" value="Vincent Carey Road"/>
District	<input type="text" value="Rotherwas Business Park"/>
City or town	<input type="text" value="HEREFORD"/>
County or administrative area	<input type="text" value="Herefordshire"/>
Postcode	<input type="text" value="HR2 6FE"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

PREMISES DETAILS

Refer to the [guidance notes](#) while completing this form.

Premises licence number/club premises certificate number	<input type="text" value="PR 00998"/>
* Name of premises	<input type="text" value="Summer Palace Oriental Restaurant"/>

Premises Location

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

☒ Address ☐ OS map reference ☐ Description

* Building number or name	<input type="text" value="60"/>
* Street	<input type="text" value="Widemarsh Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="HEREFORD"/>
County or administrative area	<input type="text" value="Herefordshire"/>
Postcode	<input type="text" value="HR4 9HG"/>
* Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

E-mail	<input type="text" value="REDACTED"/>
Telephone number	<input type="text" value="01432 279971"/>
Other telephone number	<input type="text" value="REDACTED"/>

description of premises ([See Guidance Note 2](#))

This is a Chinese Restaurant that is licensed for both Late Night Refreshment and the Sale of Alcohol. However this premises operates ONLY as a Takeaway at this time.

Continued from previous page...

Section 3 of 9

APPLICANT DETAILS

* Are you the premises licence holder/club premises certificate holder?

☒ Yes ☐ No

Are the applicants address and contact details the same as the premises address and contact details given in section 2?

☐ Yes ☒ No

Applicant Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 4 of 9

PROPOSED VARIATION

Would you like the variation to take effect from 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

[See guidance note 3.](#)

Describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives. ([See Guidance Note 1](#)) This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent).

Continued from previous page...

Details of proposed variation(s) ([See Guidance Note 4](#))

Purpose of Variation: To add conditions to the licence which are proportionate, appropriate and enforceable - as the current licence has none on it whatsoever. Consequently we consider that the below proposals could not have a negative impact on the Licensing Objectives as our intention is solely to promote them effectively.

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

2. All existing staff shall be trained on appropriate steps to promote the Licensing Objectives within three months of the date this condition appears on this licence. All new staff shall be similarly trained within one month of taking up employment.

All staff shall be re-trained twelve monthly thereafter.

The training shall include:

- a. Drugs Awareness
- b. Conflict resolution
- c. Selling to under age person(s)
- d. Selling to drunks

3. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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.

5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

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

- all crimes (relevant to the licensing objectives) reported to the venue
- all ejections of patrons
- any complaints (relevant to the licensing objectives) received
- any incidents of disorder
- seizures of drugs or offensive weapons
- any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service

7. No open containers will be removed from the premises.

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

9. A written record 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), the Police or an officer of the UK Border Agency. The written record must record and contain the following information as a minimum:

Continued from previous page...

- a. Details of all persons employed at the premises in any capacity.
 - b. Date of birth of the person.
 - c. The full name of the person.
 - d. Their current address.
 - e. A copy of the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office, with the information required as contained within the document for each person employed.
- All such information shall be recorded/copied prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document(s) as indicated in the current Home Office 'Right to Work Check List' or any other current document issued by the Home Office.

10. 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).

Section 5 of 9

OPERATING SCHEDULE

[See guidance on regulated entertainment](#)

Select those parts of the Operating Schedule which would be subject to change if this application to vary were successful (check all that apply)

Provision of regulated entertainment

- ☐ a. plays
- ☐ b. films
- ☐ c. indoor sporting events
- ☐ d. boxing or wrestling entertainments
- ☐ e. live music
- ☐ f. recorded music
- ☐ g. performance of dance
- ☐ h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment and alcohol

- ☐ i. late night refreshment
- ☐ j. sale by retail of alcohol

This can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm.

Section 6 of 9

ADDITIONAL INFORMATION

Are you able to submit the premises licence/club premises certificate (or relevant part)?

- ☒ Yes
- ☐ No

Are you able to submit a copy of the plan?

- ☐ Yes
- ☒ No

This is necessary if the proposed variation will affect the layout.

Continued from previous page...

Reasons why you have failed to submit the premises licence/club premises certificate or relevant parts, and a copy of the plan (if the proposed variation will affect the layout)

There is no change in layout so therefore no plan required.

Any further information to support your application. You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

Section 7 of 9

NOTES FOR GUIDANCE

Continued from previous page...

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.

3. 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.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

Continued from previous page...

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

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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 9 of 9

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.

This formality requires a fixed fee of £89

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the 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-8> 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" value="21/18"/>
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"/>

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