

**SUPPLEMENT TO THE AGENDA FOR**

# **Regulatory Sub Committee**

**Tuesday 2 September 2014**

**10.00 am**

**Shire 4, Shirehall, St Peter's Square, Hereford, HR1 2HX**

	<b>Pages</b>
<b>5. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WOK &amp; RICE, 59B COMMERCIAL ROAD, HEREFORD, HR1 2BP</b>	<b>3 - 38</b>
<b>6. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF TESCO EXPRESS, 141 WHITECROSS ROAD, HEREFORD, HR4 0LS</b>	<b>39 - 70</b>



<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>2 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'WOK &amp; RICE, 59b COMMERCIAL ROAD, HEREFORD, HR1 2BP' – LICENSING ACT 2003</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision

### 3. Wards Affected

Hereford Central

### 4. Purpose

To consider an application for the grant of a premises licence in respect of Wok & Rice, 59b Commercial Road, Hereford, HR1 2BP'.

### 5. Recommendation(s)

**THAT**

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

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

## 6. Key Points Summary

- The application requests the granting a new premises licence for a fast food takeaway within the area covered by the Herefordshire Council Special Policy (the Cumulative Impact Policy)
- The police have made representation in respect of the application.
- The Licensing Authority have objected to the application.

## 7. Options

There are a number of options open to the Sub-Committee:

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

## 8. Reasons for Recommendations

To ensure compliance with the legislation.

## 9. Introduction and Background

### Background Information

Applicant	<b>Abdul Ahad Haque &amp; Mamunur Rashid</b> <b>20 Pediswell Street, Worcester, WR3 7HZ</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>New</b>	Date received: <b>12<sup>th</sup> July 2014</b>	28 Days consultation <b>8<sup>th</sup> August 2014</b>



## 10. Licence Application

The application for a new premises licence has received representation and is brought before the committee for determination.

## 11. Summary of Application

The application requests that:

Late Night Refreshment	23:00 – 01:00	Sunday – Thursday
	23:00 – 01:30	Friday - Saturday

Non Standard Timings: Nil

## 12. Summary of Representations

A copy of the representations can be found within the background papers.

Representations have been made by:

**Two (2)** of the Responsible Authorities (**Police** who have **objected** in part and the Licensing Authority who have objected in full)

## 13. Key Considerations

To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

## 14. Equality and Human Rights

No implications have been identified.

## 15. Financial Implications

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

## 16. Community Impact

The granting of the licence as applied for may have an impact on the Community.

## 17. Legal Implications

The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

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

need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

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

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

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

The case of *Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council*, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.

This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.

The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.

The matter was further appealed to the High Court by way of case stated.

Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'

In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.

## **18. Right of Appeal**

Schedule 5 gives a right of appeal which states:

Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
- (b) rejects (in whole or in part) an application to vary a premises licence under section 35,

- (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
- (d) rejects an application to transfer a premises licence under section 44, the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

## **19. Consultees**

Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

The applicant has produced a copy of the advertisement which is correct.

## **20. Risk Management**

No risk identified

## **21. Appendices**

- a. Application Form
- b. Police Representation
- c. Local Authority Representation

## **22. Background Papers**

**Background papers are available for inspection in Shire4 Meeting Room, Shirehall, Hereford, HR1 2HX, 30 minutes before the start of the hearing.**

## **Background Information**

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

### **ANNEX 1**

#### **SPECIAL CUMULATIVE IMPACT POLICY**

**A1** The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise and disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

**A2** The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including Taxi Ranks
- Alcohol Disorder Zones
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces

**A3** Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.

**A4** The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter for a licensing authority to consider in developing its Statement of Licensing Policy.

**A5** In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

**A6** In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

**A7** As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:

- The full length of Commercial Road from its junction with Blueschool Street to its junction with Aylestone Hill.
- 100 metres of Blueschool Street, West from its junction with Commercial Road.
- 50 metres of Bath Street, East from its junction with Commercial Square.
- 50 metres of Commercial Street, South from its junction with Commercial Square.
- 50 metres of Union Street, South from its junction with Commercial Square.

**A8** A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

**A9** Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

**A10** The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:  
New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

**A11** However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

**A12** The special policy will apply to all the licensable activities of:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment

<b>All Violent Crimes Recorded 2009/10 - Public Place ONLY, by Weekday – Commercial Road Area</b>				
<b>All Offence Groups, Public Place Only</b>				
	<b>Alcohol Involved?</b>		<b>Grand Total</b>	<b>% Alcohol Related</b>
	<b>N</b>	<b>Y</b>		
<b>Monday</b>	<b>39</b>	<b>20</b>	<b>59</b>	<b>33.9%</b>
<b>Tuesday</b>	<b>43</b>	<b>24</b>	<b>67</b>	<b>35.8%</b>
<b>Wednesday</b>	<b>56</b>	<b>28</b>	<b>84</b>	<b>33.3%</b>
<b>Thursday</b>	<b>32</b>	<b>28</b>	<b>60</b>	<b>46.7%</b>
<b>Friday</b>	<b>55</b>	<b>56</b>	<b>111</b>	<b>50.5%</b>



<b>Saturday</b>	<b>47</b>	<b>98</b>	<b>145</b>	<b>67.6%</b>
<b>Sunday</b>	<b>33</b>	<b>79</b>	<b>112</b>	<b>70.5%</b>
<b>Grand Total</b>	<b>305</b>	<b>333</b>	<b>638</b>	<b>52.2%</b>

## **Extracts for the Section 182 Guidance:**

### **Effect of special policies**

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.

13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

#### **LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT**

13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

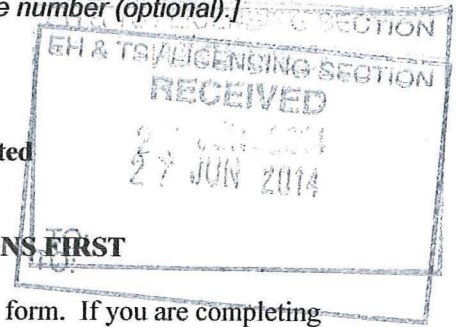
13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.

13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.



[Insert name and address of relevant licensing authority and its reference number (optional).]



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Abdul Ahad Haque & Mamunur Rashid

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description <b>Wok &amp; Rice, 59b Commercial Road</b>			
<b>Post town</b>	Hereford	<b>Postcode</b>	<b>HR1 2BP</b>
<b>Telephone number at premises (if any)</b>	<b>01432 508949</b>		
<b>Non-domestic rateable value of premises</b>	<b>£Not yet rated</b>		

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Haque			<b>First names</b> Abdul		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

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



**Part 3 Operating Schedule**

When do you want the premises licence to start?

17	06	2014
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Takeaway food restaurant with casual eat in for 12 persons maximum

Ground floor premises of a three storey building with public entrance off Commercial Road.

Rear access / egress / escape to rear yard

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

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

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

Provision of regulated entertainment

Please tick any that apply

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



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

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

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23.00	01.00	<b><u>Please give further details here</u></b> (please read guidance note 3) Food takeaway / carry out service with casual indoor seats and tables to accommodate 12 persons maximum.		
Tue	23.00	01.00		Background unamplified music	
Wed	23.00	01.00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4) None		
Thur	23.00	01.00			
Fri	23.00	01.30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5) N/A		
Sat	23.00	01.30			
Sun	23.00	01.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
						N/A		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) NONE
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) NONE
Mon	12.00	01.00	
Tue	12.00	01.00	
Wed	12.00	01.00	
Thur	12.00	01.00	
Fri	12.00	01.30	
Sat	12.00	01.30	
Sun	12.00	01.00	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The premises and public area is very simple and straightforward with no hidden areas and all clearly visible from staffed areas. There is only one entrance and exit for the public which can be seen and constantly monitored by staff.

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

Prevention of Crime & Disorder : The public space is very limited and clearly visible from both the cooking area and the serving counter

**c) Public safety**

Promotion of Public Safety : No public will be allowed beyond the counters where food is prepared of food is being served. Fire exit signage is clearly visible and illuminated in the event of a fire. Fire extinguishers are provided in both public and staff areas. The floor is on one level with no steps or barriers

**d) The prevention of public nuisance**

Prevention of Public Nuisance : The main entrance doors and public waiting and seating area is clearly visible from both the cooking area and the serving counter and can be easily monitored.

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

The protection of children from harm : There are no objects that would be a hazard to children. Cooking and serving areas will be behind high counters. The glass entrance doors and shop window meet the safety standards for glazing.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.



- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

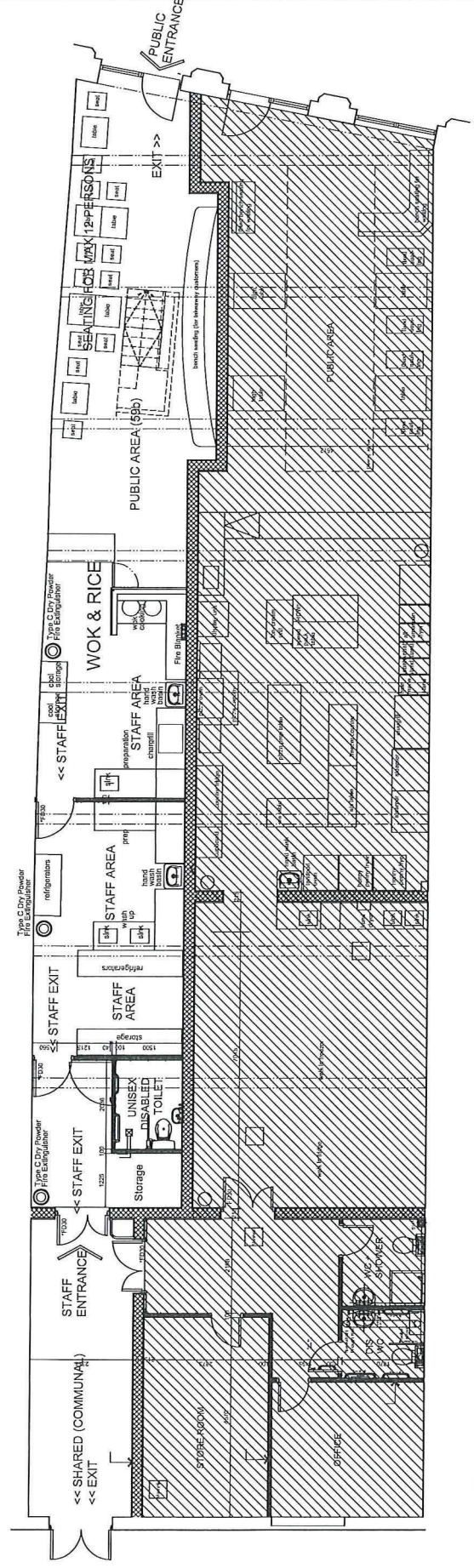
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any) <span style="background-color: black; display: inline-block; width: 150px; height: 15px;"></span>			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

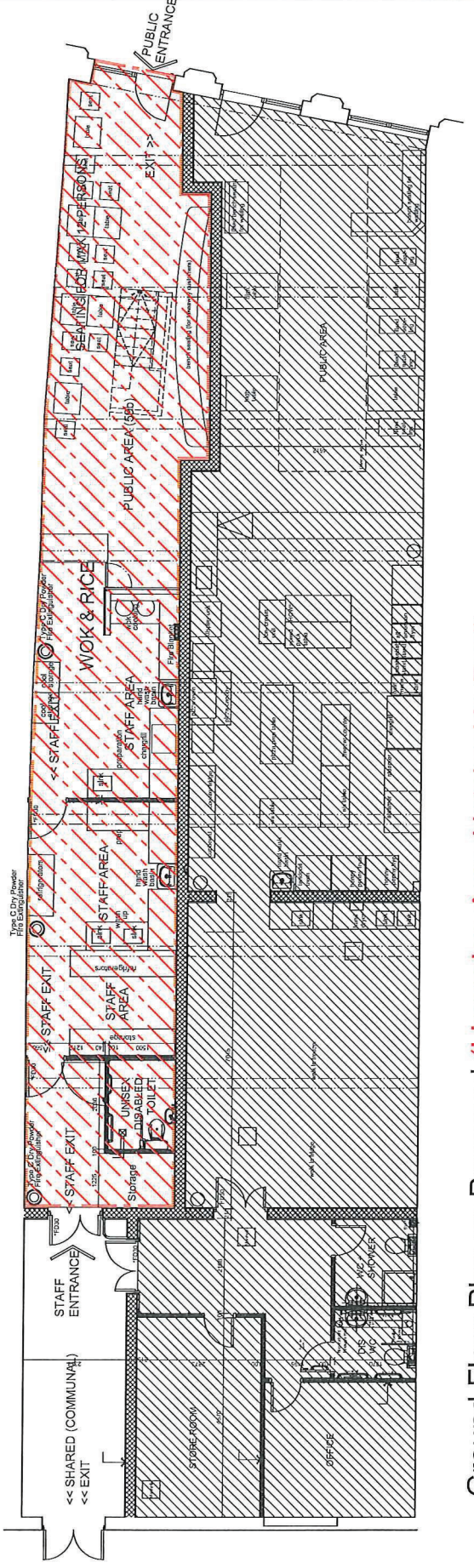
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-



SPECIAL AGENCY OF ENGINEERS ON THE LONDON AND SOUTHERN RAILWAY COMPANY. THE LONDON AND SOUTHERN RAILWAY COMPANY IS A MEMBER OF THE RAILWAY GROUP. THE LONDON AND SOUTHERN RAILWAY COMPANY IS A MEMBER OF THE RAILWAY GROUP. THE LONDON AND SOUTHERN RAILWAY COMPANY IS A MEMBER OF THE RAILWAY GROUP.



Ground Floor Plan as Proposed



Ground Floor Plan as Proposed (Licensing Area Hatched in Red)

REVISIONS:  
A - 10.06.14 :  
B - 11.06.14 :

# Licensing

DEREK SAKOL - ARCHITECT  
The Turret  
24 Stourage  
Alfick  
Worcestershire  
WR6 5HT  
Tel: (01885) 832616  
Email: architects@sakol.co.uk

Client: S Haque & M Rashid

Project: Wok & Rice  
59b Commercial Road  
Hereford, HR1 2BP

The Plans as Proposed

Date: June 2014  
Scale: 1:100@A3

Job No: 3097  
Drawn: 921  
Rev: B



**From:** Mooney,James [james.mooney@westmerciam.pnn.police.uk]

**Sent:** 07 July 2014 12:15

**To:** Licensing

**Cc:** Semper,Nick

**Subject:** Wok & Rice, 59b, Commercial Road, Hereford - new premises licence application

**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of an application for a premises licence for a venue to be known as **Wok & Rice, 59b, Commercial Road, Hereford**. The application is for the licensable activity of late night refreshment.

The location of this venue is within an area subject to the cumulative impact policy contained in the licensing policy for Herefordshire Council. The venue is located in between licensed premises and is close to other venues that are licensed as per the Licensing Act 2003.

West Mercia Police do not object to this application. The applicant has made limited submissions to promote the licensing objectives and as such West Mercia Police could have objected on the grounds that they have failed to show why this application should be an exception to the council policy and the fact that the applicant has failed to show positive steps how they will promote the licensing objectives.

Therefore West Mercia Police have the following representations to promote the licensing objectives. It is our view that they are proportionate, achievable and enforceable.

- 1. CCTV **will be** provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.
- 2. The Premises Licence Holder will employ Security Industry Authority registered Door Supervisors at times when risk assessments dictate door supervision to be necessary.
- 3. Where necessary (when door supervisors are provided), the Premises Licence Holder shall maintain a register of Door Supervisors which will be kept on the premises showing the names and addresses of the Door Supervisors, their badge numbers and shall be signed by the Door Supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authority Officer of the SIA.
- 4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire

Trading Standards Officer or the Police, which must record the following:

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

- 5. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.
- 6. Adequate refuse (litter) containers shall be located in the premises. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.
- 7. The Premises Licence holder will ensure that the area immediately outside the premises is regularly checked for litter during operating hours and that any litter found is disposed of appropriately
- 8. All staff shall wear clothing which identifies them as members of staff of the premises.
- 9. The Premises Licence Holder and staff will not permit alcohol to be consumed on the premises.

These are the minimum conditions West Mercia Police would wish to see applied to any premises licence granted to this location.

Regards

Jim Mooney (on behalf of Insp 0795 Semper)  
Licensing and Harm Reduction Coordinator  
Policing Unit - Herefordshire  
West Mercia Police  
DDI 01432 347102  
Switchboard '101' x 4702  
james.mooney@westmercia.pnn.police.uk

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### **Representation made by the Local Authority**

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for the grant of a premises licence in respect WOK & RICE, 59B COOMMERCIAL ROAD, HEREFORD. HR1 2BP.

The application requests the licencing of a fast food premises after 11 pm at night.

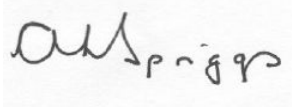
The Licensing Authority must **object** to the grant of the licence.

The premises is within the heart of the area covered by Herefordshire Councils' Special Policy under the Licensing Act 2003 (the Cumulative Impact Area). This policy is in place due to the saturation of licensed premises which includes takeaways. This area has been identified by the police as being under stress in relation to crime and disorder.

The Licensing Authority has some serious concerns in respect of the ability of the applicant to promote the licensing objectives when it is clear that the applicant has failed to consider the policy issued by Herefordshire Council under the Licensing Act 2003 which address the issue of the Cumulative Impact Policy and deals with the expectations of the authority in respect of conditions attached to the licence.

The applicant has made a number of statements within the licensing objectives which have no value in respect of promoting the licensing objectives.

In effect there is nothing within this application which satisfies the authority how the applicant intends to reduce the impact of this premises within this area and therefore the application should be refused.



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



<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>02 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'TESCO STORES LTD at TESCO EXPRESS, 141 WHITECROSS ROAD, HEREFORD, HR4 0LS' – LICENSING ACT 2003</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision

### 3. Wards Affected

St Nicholas

### 4. Purpose

To consider an application for the grant of a premises licence in respect of Tesco Express, Whitecross Road, Hereford, HR4 0LS

### 5. Recommendation(s)

**THAT**

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

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

## 6. Key Points Summary

- The application requests the granting a new premises licence for a retail premises selling a range of goods and services which includes the sale of alcohol for consumption off the premises.
- The Police, Trading Standards and The Licensing Authority have made representations in respect of the application. Agreement has not been reached.

## 7. Options

There are a number of options open to the Sub-Committee:

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

## 8. Reasons for Recommendations

To ensure compliance with the legislation.

## 9. Introduction and Background

### Background Information

Applicant	<b>Tesco Stores Ltd</b> <b>Tesco House, Delamare Road, Cheshunt, Herts EN8 9SL</b>	
Premises	<b>Tesco Express, 141 Whitecross Road, Hereford HR4 0LS</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>New</b>	Date received: <b>2<sup>nd</sup> July 2014</b>	28 Days consultation <b>30<sup>th</sup> July 2014</b>

## 10. Licence Application

The application for a new premises licence has received representation and is brought before the committee for determination.

## 11. Summary of Application

The application requests that:

Sale/Supply of alcohol                      06:00 – 23:00                      Monday – Sunday  
(For consumption off the premises)

## 12. Summary of Representations

A copy of the representations can be found within the background papers.

Representations have been made by:

**Three (3)** of the Responsible Authorities (**Police, Trading Standards** and the **Licensing Authority**)

## 13. Key Considerations

To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

## 14. Equality and Human Rights

No implications have been identified.

## 15. Financial Implications

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

## 16. Community Impact

The granting of the licence as applied for may have an impact on the Community.

## 17. Legal Implications

The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

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

Furthermore the Thwaites case established that only conditions should be attached to a

licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

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

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

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

## 18. Right of Appeal

Schedule 5 gives a right of appeal which states:

Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
  - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
  - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
  - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).

Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

## **19. Consultees**

Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

The applicant has produced a copy of the advertisement which is correct.

## **20. Risk Management**

No risk identified

## **21. Appendices**

- a. Application Form
- b. Police Representation
- c. Trading Standards Representation and Correspondence
- d. Local Authority Representation
- e. Local Authority Correspondence

## **22. Background Papers**

**Background papers are available for inspection in Shire4 Meeting Room, Shirehall, Hereford, HR1 2HX, 30 minutes before the start of the hearing.**





\* required information

## Section 1 of 19

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

Not Currently In Use

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

Your reference

Tesco - Whitecross Rd

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

Tesco Stores Ltd

\* Family name

Tesco

\* E-mail

licensing.team@uk.tesco.com

Main telephone number

01707 634175

Include country code.

Other telephone number

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

Are you:

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

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

### Applicant Business

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

\* Registration number

519500

\* Business name

Tesco Stores Ltd

If your business is registered, use its registered name.

\* VAT number

GB 220430231

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

\* Legal status

Public Limited Company

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 19

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

### Confirm The Following

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

## Section 4 of 19

### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

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

Retail Premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

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

*Continued from previous page...*

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

**Section 15 of 19****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 Yes  No**Standard Days And Timings**

MONDAY

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

TUESDAY

Start End Start End 

WEDNESDAY

Start End Start End 

THURSDAY

Start End Start End 

FRIDAY

Start End Start End 

SATURDAY

Start End Start End 

SUNDAY

Start End Start End 

Will the sale of alcohol be for consumption:

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

State any seasonal variations

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

**Continued from previous page...**

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

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations



*Continued from previous page...*

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

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

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

## Section 18 of 19

### LICENSING OBJECTIVES

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

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

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

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community. We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

**Continued from previous page...**

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

**Section 19 of 19**

**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.

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

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

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

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

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

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

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

\* Fee amount (£)

**DECLARATION**

\* 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.

Continued from previous page...



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/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Tesco - Whitecross Rd"/>
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"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

## Consent of individual to being specified as premises supervisor

I,

[Insert full name of applicant] GREG BARTLEY

of

[Insert full home address and postcode]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new premises licence to specify an individual as designated premises supervisor under section 17 of the Licensing Act 2003 by Tesco Stores Ltd relating to a premises licence:

[Insert existing Premises Licence Number if any]

for

Tesco Stores Ltd  
141 Whitecross Road  
Hereford  
Hertfordshire  
HR4 0LS

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

and any premises licence to be granted or varied in respect of the application made by Tesco Stores Ltd concerning the supply of alcohol at the above premises.

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Personal Licence issuing authority

Signed

Name (Please Print)

Date

GREG BARTLEY

30<sup>th</sup> June 2014

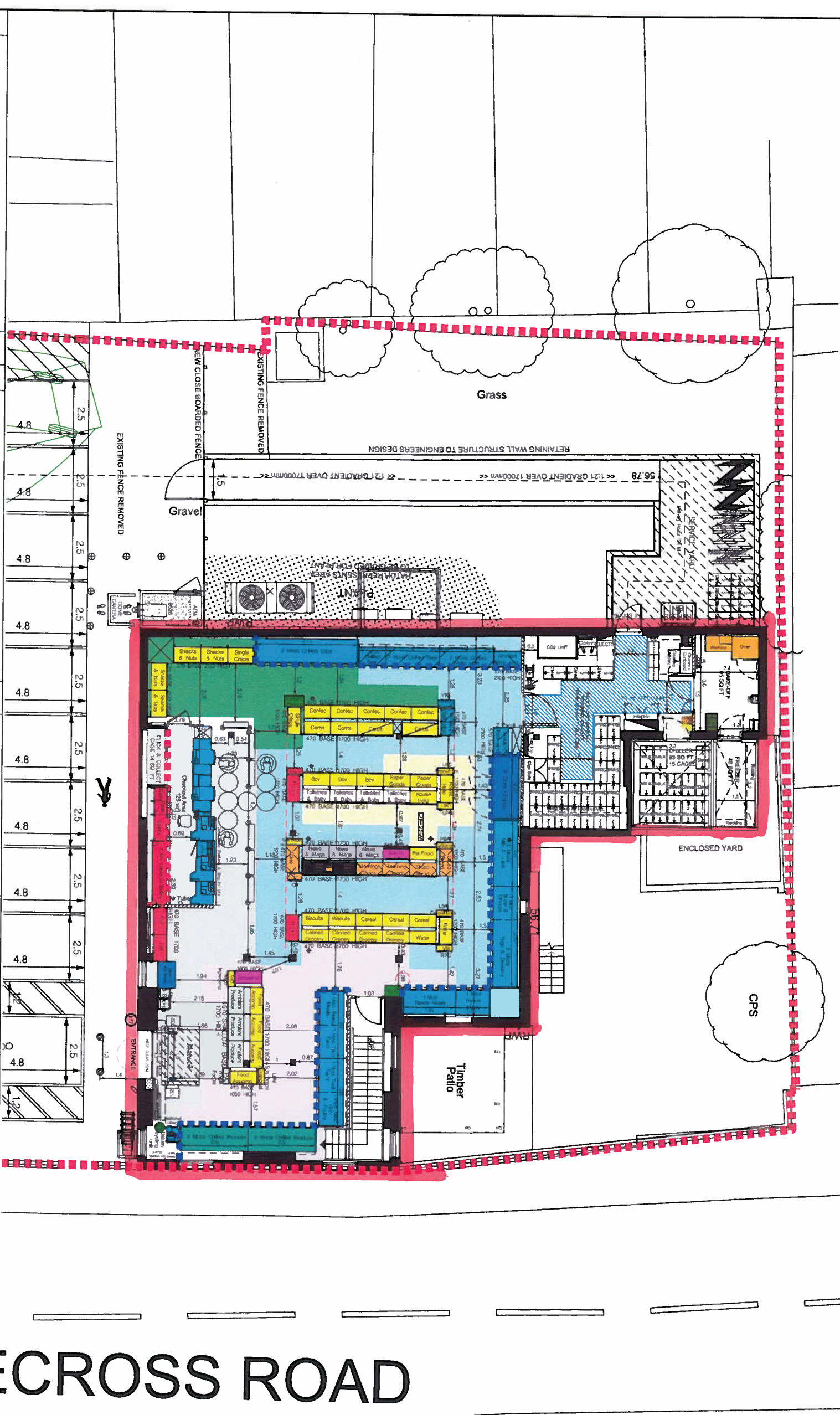


# SECURITY - MEDIUM

Retail Director Sign Off	
Name	Date
Andrew Rowlinson	
Darren Hunter	
Gary Jones	

# RDG APPROVED PLAN

# PHASE 3 & 4 APPROVED ON 11.06.2014



# CROSS ROAD

Code	Description	Quantity	Unit	Value
01	Other	1	sqm	14.25
02	Long Code - Non Flood	0.5	sqm	0.1
03	Long Code - Flood	0.5	sqm	0.1
04	Short Code	0.5	sqm	0.1
05	Cracked	0.5	sqm	0.1
06	Cracked	0.5	sqm	0.1
07	Cracked	0.5	sqm	0.1
08	Cracked	0.5	sqm	0.1
09	Cracked	0.5	sqm	0.1
10	Cracked	0.5	sqm	0.1
11	Cracked	0.5	sqm	0.1
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100	Cracked	0.5	sqm	0.1

REV.	AMENDMENTS	DATE	REV.	AMENDMENTS	DATE
A	PHASE 3 & 4 APPROVED ON 11.06.2014				

PHASE	ISSUE	DATE
384	A	19.06.2014

PROJECT 4508  
HEREFORD BUCKNHM EXP  
DESCRIPTION  
PROPOSED RETAIL LAYOUT  
STANDALONE



TESCO STORES LIMITED  
EXPRESS GROUP  
P.O. BOX 400, CIRRUS BUILDING, SHIRE PARK  
WELWYN GARDEN CITY, HERTS, AL7 1GA  
TELEPHONE: 01707 395150  
THE COMPANY AND ALL OTHER MEMBERS IN ANY RELATION TO THIS PARKING  
AGREEMENT ARE HEREBY NOTIFIED THAT THE WHOLE, NO PART OR PARTS  
HEREOF ARE RESERVED FOR THE EXCLUSIVE USE OF THE COMPANY AND ALL  
OTHER MEMBERS OF THE COMPANY AND ALL OTHER MEMBERS OF THE COMPANY  
OR FROM ANY RETAIL STORE WITHIN THE STORES LISTED FROM THE OWNER  
© 1997-2000 STORES LIMITED



**From:** Mooney,James [james.mooney@westmercia.pnn.police.uk]

**Sent:** 15 August 2014 11:43

**To:** Licensing; Bowell, Emma

**Cc:** 'Bartley, Greg'

**Subject:** RE: Tesco Express, Whitecross Road, Hereford - new premises application

As a consequence of a discussion with the applicant, and therefore getting a better understanding of the internal systems applied by Tesco's, West Mercia Police WITHDRAW their representation '2' with regards to the keeping of an incident log.

My understanding is that all other representations from West Mercia Police are accepted and agreed by the applicant.

Regards

Jim Mooney

Licensing and Harm Reduction Coordinator

Policing Unit - Herefordshire

West Mercia Police

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmercia.pnn.police.uk

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

---

**From:** Bartley, Greg [mailto:Greg.Bartley@uk.tesco.com]

**Sent:** 15 August 2014 11:24

**To:** Mooney,James

**Subject:** RE: Tesco Express, Whitecross Road, Hereford - new premises application

Hi Jim

I have tried a couple of times. I will try again later.

Thanks

Greg

---

**From:** Mooney,James [mailto:james.mooney@westmercia.pnn.police.uk]

**Sent:** 15 August 2014 09:26

**To:** Bartley, Greg; embowell@herefordshire.gov.uk

**Cc:** Askew, Feri

**Subject:** RE: Tesco Express, Whitecross Road, Hereford - new premises application

Good morning

You should be aware that in order to progress this type of application, it is the right practise for the applicant to make contact with the relevant responsible authority to discuss matters so that an agreement can be reached over matters that are under dispute. The first West Mercia Police knew about Tesco's not agreeing our condition 2 is from the latest e-mail to you from the Licensing Authority.



It is right and proper to discuss matters - with the party making the representations - and if you have/took time to do this and explain Tesco's policy and procedure it is likely that the police will either amend or withdraw their submission.

Please free to make contact on the below number so that we can discuss this minor matter and prevent this application going to a regulatory licensing hearing

Regards

Jim Mooney  
Licensing and Harm Reduction Coordinator  
Policing Unit - Herefordshire  
West Mercia Police  
DDI 01432 347102  
Switchboard '101' x 4702  
[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)  
[In Herefordshire we protect people from harm](#)

---

**From:** Bartley, Greg [<mailto:Greg.Bartley@uk.tesco.com>]  
**Sent:** 14 August 2014 17:52  
**To:** [embowell@herefordshire.gov.uk](mailto:embowell@herefordshire.gov.uk); Mooney,James  
**Cc:** Askew, Feri; Bartley, Greg  
**Subject:** FW: Tesco Express, Whitecross Road, Hereford - new premises application

Hi

We would prefer the condition not to be added to the licence as we have our own internal procedures for capturing 'incidents' at our premises and the condition impacts non licensable activities.

The current procedure for reporting an incident within all our shops would be to complete a form on our internal system. The form is sent electronically to our head office which then complies incidents against the individual store. The stores would have access to the forms which they have completed and can be provided upon request. My expectation is the form would be completed to reflect issues such as crime and disorder at the store.

The stores would have other processes of reporting to rectify faults with the CCTV and visits by relevant authorities.

I would be more than happy to discuss further, if you would like to give me a ring.

Kind regards

Greg

---

**From:** Bowell, Emma [<mailto:embowell@herefordshire.gov.uk>] **On Behalf Of** Licensing  
**Sent:** 13 August 2014 13:42



**From:** Wilson, Leah  
**Sent:** 30 July 2014 15:31  
**To:** Licensing; Spriggs, Fred  
**Subject:** FW: Application to Vary Premises Licence  
This is Tesco's response. I uphold TS request.

Leah

---

**From:** Bartley, Greg [mailto:Greg.Bartley@uk.tesco.com]  
**Sent:** 30 July 2014 13:14  
**To:** Wilson, Leah  
**Cc:** Licensing; Askew, Feri  
**Subject:** RE: Application to Vary Premises Licence

Hi Leah

Thanks for your email.

I believe the matter will be needed to be referred to a committee hearing to be determined.

Happy to discuss further why we do not believe refusal registers are suitable to us, if you wish to give me a ring, 0784602827.

Greg

---

**From:** Wilson, Leah [mailto:LWilson@herefordshire.gov.uk]  
**Sent:** 30 July 2014 10:50  
**To:** Bartley, Greg  
**Cc:** Licensing  
**Subject:** RE: Application to Vary Premises Licence

Dear Greg

I have spoken to Mr Spriggs about this and we both feel it is a necessary measure to ensure the licensing objectives are met. It will also ensure your conditions are more streamlined with Herefordshire's licensing policy. If however, you disagree the matter can be referred to a committee hearing for the panel to make a decision on best practice.

Thank you

Kind regards

Leah

---

**From:** Bartley, Greg [mailto:Greg.Bartley@uk.tesco.com]  
**Sent:** 28 July 2014 09:35  
**To:** Licensing; Wilson, Leah  
**Cc:** Askew, Feri; Bowell, Emma  
**Subject:** FW: Application to Vary Premises Licence

Dear Leah

Thank you for your email. I tried ringing but could not get through your phone system.

Within Tesco we do not automatically operate a refusal register. We have previously trialled them, and operate them where imposed on the licence, however, due to other systems and processes that we operate we do not see any benefit to either us or the enforcement authorities in operating a refusal register.

I am happy to discuss with you in more detail, if you wish to ring me.

Kind regards

Greg

---

**From:** Bowell, Emma [<mailto:embowell@herefordshire.gov.uk>] **On Behalf Of** Licensing  
**Sent:** 24 July 2014 11:04  
**To:** Team, Licensing  
**Subject:** FW: Application to Vary Premises Licence

Please see the recommendations below from Trading Standards.  
If there are any queries, please call Leah Wilson on 01432 261761 or email her at [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)

Many thanks

**Emma Bowell**

Licensing Assistant,  
Environmental Health & Trading Standards,  
Places & Communities Directorate  
Herefordshire Council, Blueschool House, Blueschool Street  
Hereford.  
HR1 2ZB  
Tel: 01432 261761  
Fax: 01432 261982

email: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

**Please note: - Licensing operate a 5day call/email back system. For all work related emails, please send to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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

---

**From:** Wilson, Leah  
**Sent:** 24 July 2014 11:01  
**To:** [licensing.team@uk.team.com](mailto:licensing.team@uk.team.com)  
**Cc:** Licensing  
**Subject:** Application to Vary Premises Licence

Dear Mr Bartley

**RE: Application for variation of premises licence.**

**Thank you for your application to vary the premises licence. I have identified that you have not written anything about your refusals system on the application. I'm sure this has been covered by an electronic system and so it will just be an administration task to pop it on. Below is my recommendation.**

*As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your application for a premise licence variation for Tesco Express Whitecross Road, Hereford.*

*Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.*

*After looking at your application under the section protection of children from harm we would seek to include the following condition on the premise licence;*

- A written/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 and will be collected/viewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.*

**If you need any clarification or assistance please do get in touch.**

**Yours sincerely**

**Miss Leah Wilson | BSc DTS MTSI | Trading Standards Officer |**

Trading Standards & Animal Health | Economy, Communities & Corporate Directorate | Herefordshire Council | Blue School House, PO Box 233, Hereford HR1 2ZB

Tel: 01432 260163 | Fax: 01432 261982 | Email: [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk) | GCSX:

[lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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Tesco Stores Limited  
Company Number: 519500  
Registered in England  
Registered Office: Tesco House, Delamare Road, Cheshunt, Hertfordshire EN8 9SL  
VAT Registration Number: GB 220 4302 31

## Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of 'Tesco Express, 141 Whitecross Road, Hereford, HR4 0LS.

The application requests the licensing of the sale of alcohol for consumption off the premises.

The Licensing Authority must **object** to the licence as applied for.

It is disappointing that the applicant appears to have failed to consider the Authority's Policy which would have directed them to the 'Model Pool of Conditions' and ensured that suitably worded conditions were offered.

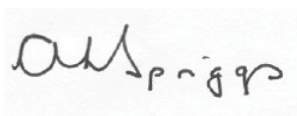
The current conditions offered are nothing more than statements and do not form enforceable conditions as required.

The authority would be willing to withdraw that objection if the applicant agrees the following conditions:


1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.  
Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.  
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.  
The Premises Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage onto DVD or other recordable media for the Police/Local Authority on demand.  
The Recording equipment and recorded media shall be kept in a secure environment under the control of the DPS or other responsible named individual.  
An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.  
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '**101**' immediately.
2. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Staff will be retrained every 12 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall hold a written record of those persons authorised under Section 19(3) of the act to sell alcohol on behalf of a personal licence holder. Such record shall be signed by the personal licence holder and shall be produced to the police or

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

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, advertising the scheme operated.
5. A written/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 and will be collected/viewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

A handwritten signature in black ink, appearing to read 'Fred Spriggs', written on a light-colored background.

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



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**From:** Bartley, Greg [mailto:Greg.Bartley@uk.tesco.com]  
**Sent:** 15 August 2014 11:45  
**To:** Spriggs, Fred; Licensing; Bowell, Emma; Wilson, Leah; Team, Licensing  
**Cc:** Askew, Feri  
**Subject:** RE: Tesco Premises Licence Application - Whitcross

Hi Fred

With regard to your suggestion that some of the conditions attached the current licences in your area are "unenforceable" and that you are disappointed that Tesco have not addressed these issues and the licences are no longer fit for purpose, I am afraid I am unable to agree. Any conditions attached to a premises licence are the responsibility of the licensing authority. Equally, simply because an applicant has described a step in the operating schedule does not mean it automatically should become a condition. It is thus the responsibility of the licensing authority – where it is necessary and proportionate to do so – to word the conditions in a way that properly reflects the step described in a way which is clear but only where there is a need for this to be reflected as a condition. There be an evidential basis linked to the premises that such conditions are required to promote the licensing objectives. The starting point is looking at what the premises themselves do and looking at the individual style of operation.

This approach has been considered by the high court on a number of occasions (Guildford/Thwaites/Bristol are good examples) and made clear. It also makes clear that licensing is not about having standardised model conditions but conditions tailored to individual premises where necessary and proportionate based upon good evidence that the conditions are required to promote the licensing objectives.

Similarly, I do not accept that the licences or conditions are no longer "fit for purpose". There is no evidence that the premises, which operate in a very responsible manner with Tesco at the forefront we believe of responsible policies and procedures, are not promoting the licensing objectives in any way.

You will no doubt be aware too of the Legislative and Regulatory Reform Act 2006, which applies to the exercise of licensing functions, and the Regulator's Code which came into force this year. A key tenet of that code is that regulation should be exercised in a manner which is not overly burdensome and "should avoid imposing unnecessary regulatory burdens through their regulatory activities".

Against, that background I would hope you can clearly see why I cannot accept the points which you have made in this regard.

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**From:** Spriggs, Fred [mailto:fspriggs@herefordshire.gov.uk]  
**Sent:** 30 July 2014 16:09  
**To:** Bartley, Greg; Licensing; Bowell, Emma; Wilson, Leah  
**Cc:** Askew, Feri  
**Subject:** RE: Tesco Premises Licence Application - Whitcross

Hi Greg

For clarity I agree with the following conditions offered:

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.  
Cameras shall encompass all ingress and egress to the premises, fire exits, and main alcohol display area and checkout areas.  
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.  
The Premises Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage onto DVD or other recordable media for the Police/Local Authority on demand.  
The Recording equipment and recorded media shall be kept in a secure environment under the control of the DPS or other responsible named individual.  
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST take immediate steps to

rectify the fault. A log of fault and the steps taken to rectify the fault will be kept and made available to enforcement authorities on request.

- The DPS will provide a written record of all persons authorised to sell alcohol on their behalf. Such record shall be signed by the DPS and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, advertising the scheme operated.

I fail to see the issue with you failing to agree the training condition. The condition is proportionate and non onerous. It will only require you to supply a copy of the training package to Trading Standards to agree.

All staff engaged in the sale of alcohol to be trained in Responsible Alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Staff will be retrained every 12 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

I can see no reference in respect of the refusals register.

In respect of your comments concerning other premises in Hereford – I am aware that you have other licences. Most of these were issued on conversion. Most of them contain conditions which are non-enforceable. It is disappointing that Tesco, who state that they are a responsible retailer, have not addressed these issues in respect of the conditions attached to these licences, these licences are no longer fit for purpose. The bottom line is that over time the Licensing act has continued to evolve and what was acceptable 5 years ago is no longer acceptable today. I therefore looking forward to receiving applications from you for minor variations of your other licences to make them fit for purpose.

Best wishes  
Fred Spriggs  
Licensing Officer

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**From:** Bartley, Greg [<mailto:Greg.Bartley@uk.tesco.com>]  
**Sent:** 30 July 2014 14:00  
**To:** Licensing; Bowell, Emma; Wilson, Leah; Spriggs, Fred  
**Cc:** Askew, Feri; Bartley, Greg  
**Subject:** Tesco Premises Licence Application - Whitcross

To try and address the concerns raised against our Premises licence application for our proposed store at Whitecross we would request the following conditions be imposed on the licence, if granted.

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises, fire exits, and main alcohol display area and checkout areas.
- Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
- The Premises Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage onto DVD or other recordable media for the Police/Local Authority on demand.



- The Recording equipment and recorded media shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST take immediate steps to rectify the fault. A log of fault and the steps taken to rectify the fault will be kept and made available to enforcement authorities on request.
- All staff selling alcohol will be trained in the laws relating to selling alcohol. Training records shall be kept on the premises and shall be produced to enforcement authorities on request.
- The DPS will provide a written record of all persons to sell alcohol on their behalf. Such record shall be signed by the personal licence holder and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, advertising the scheme operated.

I also attach a list of Premises that we currently have under the Herefordshire Licensing Authority. I do not believe any of these stores have any of the conditions being requested, including the refusal register. I am unaware of any of these stores being challenged with not adhering to the Licensing Objectives. The proposed store will have the same processes and practises as all other stores throughout the country and within your Licensing Area.

If you wish to discuss any of the above conditions please contact me via phone, 07841602827.

Kind regards

Greg

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**From:** Bowell, Emma [<mailto:embowell@herefordshire.gov.uk>] **On Behalf Of** Licensing  
**Sent:** 30 July 2014 10:11  
**To:** Bartley, Greg  
**Subject:** FW: LA Rep - Tesco

Dear Greg

Please see attached Local Authority Rep

**Emma Bowell**

Licensing Assistant,  
 Environmental Health & Trading Standards,  
 Places & Communities Directorate  
 Herefordshire Council, Blueschool House, Blueschool Street  
 Hereford.

HR1 2ZB  
 Tel: 01432 261761  
 Fax: 01432 261982

email: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

**Please note: - Licensing operate a 5day call/email back system. For all work related emails, please send to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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**From:** Spriggs, Fred  
**Sent:** 30 July 2014 07:07  
**To:** Licensing  
**Subject:** LA Rep - Tesco

Good morning

Please find attached my rep in respect of Tesco, Whitecross

Thanks

Fred

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