Herefordshire Council

AGENDA

Regulatory Sub Committee

Date:	**Friday 23 April 2010**
Time:	**2.00 pm**
Place:	**The Council Chamber, Brockington, 35 Hafod Road, Hereford**
Notes:	Please note the **time, date** and **venue** of the meeting. For any further information please contact: **Ricky Clarke, Democratic Services Officer** Tel: 01432 261885 Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership **Councillor PGH Cutter**
Councillor JW Hope MBE
Councillor P Jones CBE

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	**ELECTION OF CHAIRMAN** To elect a Chairman for the hearing.	
2.	**APOLOGIES FOR ABSENCE** To receive apologies for absence.	
3.	**NAMED SUBSTITUTES (IF ANY)** To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4.	**DECLARATIONS OF INTEREST** To receive any declarations of interest by Members in respect of items on the Agenda.	
5.	**APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'MCCOLL'S, HATTON PARK, BROMYARD.'** To consider an application for a variation to premises licence in respect of McColl's, Hatton Park, Bromyard.	1 - 6
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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

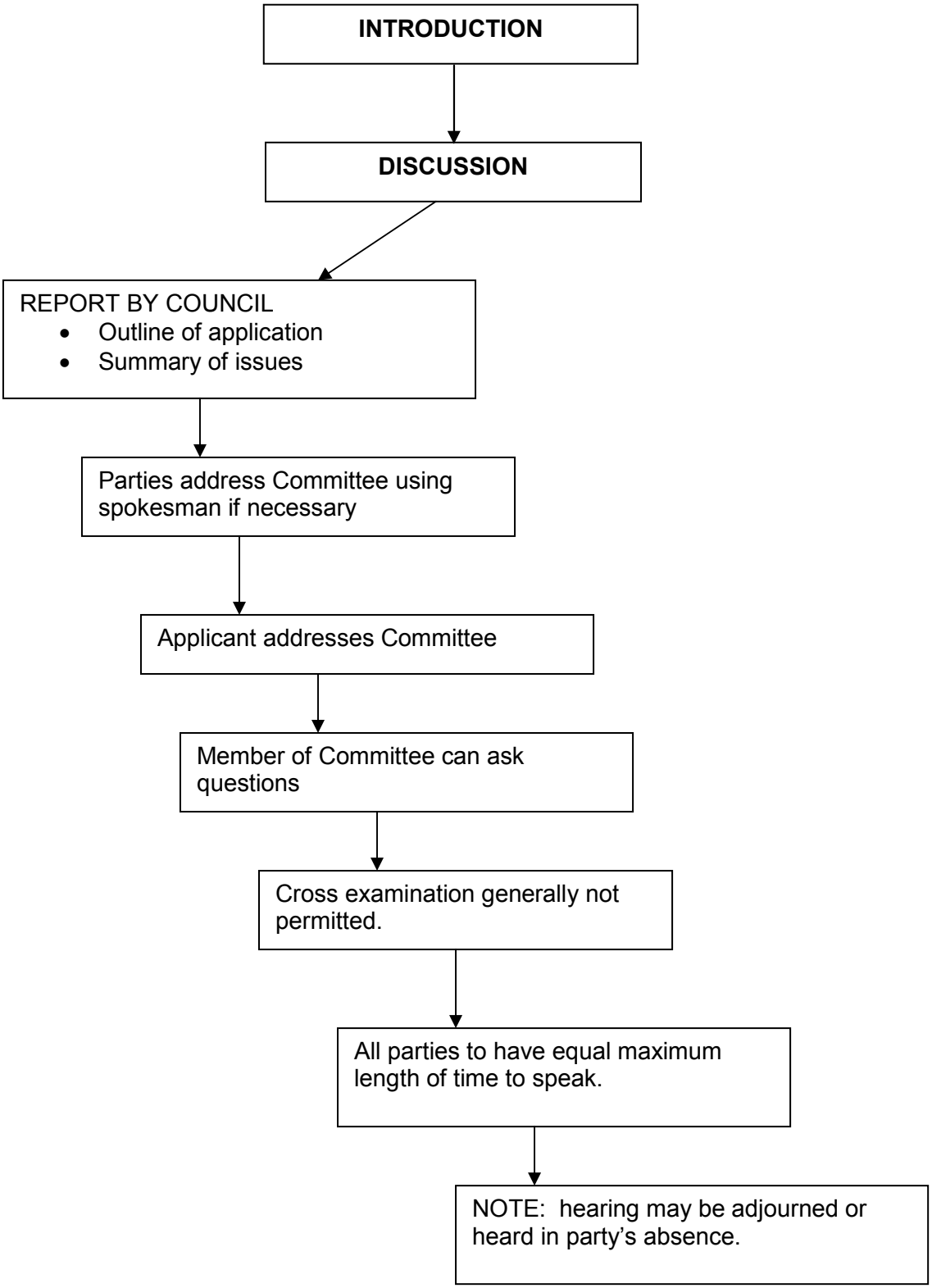
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

LICENCING HEARING FLOW CHART



Herefordshire Council

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	23 APRIL 2010
TITLE OF REPORT:	APPLICATION FOR VARIATION OF PREMISES LICENCE 'MCCOLLS, HATTON PARK, BROMYARD.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider an application for a variation to premises licence in respect of the McColls, Hatton Park, Bromyard.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the variation 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 necessary 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.

Key Points Summary

- 1 Public Representations against the application

Options

1 a) Grant the variation consistent with the operating schedule and the mandatory conditions set out in the Licensing Act 2003,

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

b) Grant the variation subject to modified conditions to that of the operating schedule where the committee considers it necessary 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 reject the variation to the application.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 **Background Information**

Applicant	**Martin McColl Ltd** **Martin Mcoll House** **Ashwells Road** **Brentwood** **Essex** **CM15 9ST**	
Solicitor	**DWF LLP Solicitors** **5 St Pauls Square** **Old Hall Street** **Liverpool** **L3 9AE**	
Type of application: **Variation**	Date received: **5/3/10**	28 Days consultation **5/4/10**

Licence Application

4 The application is to vary the premises licence, this has received 1 representation and is bought before the committee for determination. The application is to increase the hours of supply of alcohol from 22:00 to 23:00.

Summary of Application

5 The application is for supply of alcohol

The following hours have been applied for in respect of: -

Supply of Alcohol
Monday to Sunday 06.00 to 23.00

6 The premises to be open to the public:-

Monday to Sunday 06:00 to 23:00

Summary of Representations

7 Copies of the representations can be found within the background papers.

8 These in main address the licensing objective of the Prevention of Public Nuisance.

Key Considerations

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

Community Impact

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

Legal Implications

11 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.

12 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.

13 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.

14 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.

15 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'.

16 It was further said in this case that the Licensing Authority have a duty:

> 'to translate the proposals contained in the operating schedule to promote the licence objectives into clear and understandable conditions'.

17 It was also said that;

"For some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation."

18 The Committee are also reminded that they should only hear representations which address one of the four licensing objectives and that any representation can only be made by a person who lives or has a business interest within the vicinity of the premises.

19 It is possible for the Committee to hear from any person providing that they are representing a person who has made relevant representation and that the Licensing Authority have been notified prior to the hearing of that fact.

20 Failure to follow any of the above could leave the Licensing Authority open to a Judicial Review.

21 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1. Where a licensing authority—

(a) rejects an application to vary the 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 variation of 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).

22 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.

Consultees

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

24 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.

25 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.

26 The applicant has produced a copy of the advertisement.

Appendices

27 a. Application
b. Public Representations

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES

Licensing Authority's power to exercise substantive discretionary powers.

The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; the scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant, who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

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

Herefordshire Council
Licensing Section, Environmental Health
and Trading Standards
County Offices, PO Box 233,
Bath Street
Hereford, HR1 2ZF

Application to vary a premises licence 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 Martin McColl Limited
(Insert name(s) of applicant)
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PR00402

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description
McColls
Hatton Park

Post town Bromyard | **Post code** HR7 4EY

Telephone number at premises (if any): 01885 482365

Non-domestic rateable value of premises: £ 11,250.00

Part 2 - Applicant Details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address
Martin McColl Limited
Martin McColl House,
Ashwells Road, Brentwood,

Post Town Essex **Postcode** CM15 9ST

Laserform International 2/05

Part 3 - Variation

Please tick ✓ **Yes**

Do you want the proposed variation to have effect as soon as possible? [√]

If not do you want the variation to take effect from

Day		Month		Year			

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The purpose of this application is to seek variation of the Licensing hours. The style of operation currently applicable to the existing Premises Licence will remain. Methods of due diligence (incorporating CCTV, the operation of a Challenge 21 Policy, refusal books, in house training etc), will continue. There is no proposal to propose the sale of alcohol for on sales (this is purely a continuation of the existing Off Sales Licence).

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment — Please tick ✓ **Yes**

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 entertainment facilities for:

i) making music (if ticking yes, fill in box I) [ ]

j) dancing (if ticking yes, fill in box J) [ ]

k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) [ ]

Provision of late night refreshment (if ticking yes, fill in box L) [ ]

Sale by retail of alcohol (if ticking yes, fill in box M) [√]

In all cases complete boxes N, O and P

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			**Please give further details** (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			**State any seasonal variations for indoor sporting events** (please read guidance note 4)
Wed			
Thur			**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** (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) 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	**Will this entertainment take place indoors or outdoors or both** - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			**Please give further details here** (please read guidance note 3)		
Wed					
Thur			**State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)** (please read guidance note 4)		
Fri					
Sat			**Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			**Please give a description of the facilities for making music you will be providing**		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for the provision of facilities for making music** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			**Will the facilities for dancing be indoors or outdoors or both** - please tick ✓ (see guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	**Please give a description of the facilities for dancing you will be providing**		
Mon					
			Please give further details here (please read guidance note 3)		
Tue					
Wed					
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri					
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			**Please give a description of the type of entertainment facility you will be providing**		
Day	Start	Finish	**Will the entertainment facility be indoors or outdoors or both** - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			**Please give further details here** (please read guidance note 3)		
Wed					
			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			**Will the provision of late night refreshment take place indoors or outdoors or both** - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the sale of alcohol be for consumption** please tick ✓ (please read guidance note 7)	On the premises	
				Off the premises	√
Day	Start	Finish		Both	
Mon	06.00	23.00	**State any seasonal variations for the supply of alcohol** (please read guidance note 4)		
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00	**Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			

N

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)

The use of the premises will include the provision of alcohol for Off Sale use only. There are other age related products also proposed for sale at the premises (including cigarettes, lottery etc). The premises currently trade with these products and will continue to operate a due diligence system to ensure that all age related products are sold under strict supervision and pursuant to statutory guidelines.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			**State any seasonal variations** (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	23.00	
Tue	06.00	23.00	
Wed	06.00	23.00	**Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 5)
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

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

Please tick ✓ **Yes**

I have enclosed the premises licence ☐

I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

Copy Licence enclosed, the client are presently looking for the original Premises Licence, should this not be forthcoming a request for a duplicate Licence will be made.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The applicant would offer to continue to uphold the existing conditions on the Licence and does not propose further conditions.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick ✓ **Yes**

- I have made or enclosed payment of the fee ☑
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☑
- I understand that I must now advertise my application ☑
- I have enclosed the premises licence or relevant part of it or explanation ☑
- I understand that if I do not comply with the above requirements my application will be rejected ☑

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

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature DWF LLP.

Date 02/03/2010

Capacity Solicitors on behalf of the applicant.

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd 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 address for correspondence associated with this application (please read guidance note 13)

DWF LLP Solicitors

5 St. Pauls Square
Old Hall Street

Post town LIVERPOOL	**Post code** L3 9AE
Telephone number (if any) 0151 907 3000	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

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

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

HEREFORDSHIRE COUNCIL

LICENSING ACT 2003
Part A - Premises Licence

Premises Licence Number PR00402 **(Variation)**

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description **McColls** **Hatton Park**	
Post town **Bromyard**	Postcode **HR7 4EY**
Telephone number **01885 482365**	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
1. Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
Monday to Sunday 0600 – 2200

The opening hours of the premises
Monday to Sunday 0600 – 2200

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Martin McColl Ltd **Martin McColl House** **Ashwells Road** **Brentwood** **Essex** **CM15 9ST**

Registered number of holder, for example company number, charity number (where applicable)
298945 London

HEREFORDSHIRE COUNCIL

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Sheila June Mann **18 Seven Hills Drive** **Stourport** **Worcestershire** **DY13 0LP**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
Licence number: WF020060135 **Issuing authority: Wyre Forest District Council**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General:
Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

The subject premises will appply a standard of operation which will ensure compliance with all four licensing objectives, based upon factors more particularly outlined in sections (b) to (c) below.

Prevention of Crime & Disorder
The style of operation at these premises is designed to minimise crime and disorder. This is achieved by the use of CCTV, with the retention of tapes for a minimum period of 31days for prosecution purposes. The premises benefit solely from the sale of alcohol for consumption off the premises. These premises operate 'challenge 21' policy in order to ensure that liquor is sold only to persons of lawful age (being that, should a person not look the age of 21 then he/she would need prove they are in fact of lawful age 18 or over). These issues also overlap on the section dealing with protection of children from harm. All staff undergo training concerning knowledge of Licensing Laws together with social impact upon the sale of alcohol.

Public Safety
The issue of 'challenge 21' in order to ensure lawful sales of alcohol. Is already referred to in the section above dealing with prevention of crime and disorder, which should be equally referred to

in this section. These premises purely operate for the consumption of liquor off premises.

Prevention of Public Nuisance
The premises are registered for consumption of liquor off premises only. In addition to there being no consumption on premises, there is no form of entertainment on the premises. There are no outdoor areas utilised for the benefit of members of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The premises operate within the required litter/refuse regulations adopted by the Local Council. The management policy at the premises is to welcome communication with any local person in relation to issues which arise concerning the operation of the premises.

Protection of children harm
These premises benefit from a Liquor Licence consumption off the premises only. In order to ensure compliance with legislation, the Company operate a 'challenge 21' policy whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are Portman Card, Citizen or ten year passport. All staff are obligated to familiarise themselves with these requirements. The Company operate a due diligence policy, incorporating the challenge 21 policy above, but also incorporating full training for all staff, the operation of a refusal book and refresher training on a regular basis. The store operates a fully recordable CCTV system which is overtly operable. There is prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

As attached

HEREFORDSHIRE COUNCIL

LICENSING ACT 2003

Part B - Premises licence summary

Premises Licence Number PR00402 **(Variation)**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description **McCollls** **Hatton Park**	
Post town **Bromyard**	Postcode **HR7 4EY**
Telephone number **01885 482365**	

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

1. **Sale by retail of alcohol**

The times the licence authorises the carrying out of licensable activities

Monday to Sunday 0600 – 2200

The opening hours of the premises

Monday to Sunday 0600 – 2200

Name, (registered) address of holder of premises licence

Martin McColl Ltd
Martin McColl House
Ashwells Road
Brentwood
Essex
CM15 9ST

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

Off the premises

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

298945 London

HEREFORDSHIRE COUNCIL

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol **Sheila June Mann**

State whether access to the premises by children is restricted or prohibited **Restricted** **Protection of Children:** **These premises benefit from Liquor Licence consumption off the premises only. In order to ensure compliance with legislation, the Company operate a 'challenge 21' policy whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are Portman Card, Citizen or ten year passport. All staff are obligated to familiarise themselves with these requirements. The Company operate a due diligence policy, incorporating the challenge 21 policy above, but also incorporating full training for all staff, the operation of a refusal book and refresher training on a regular basis. The store operates a fully recordable CCTV system which is overtly operable. There is prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol.**

EH & TS / LICENSING SECTION
RECEIVED
15 MAR 2010
TO:

Mr & Mrs Hawkes

Betheden 2 Hatton Park

Bromyard

HR7 4EY

11/03/2010

Ref: Martin Mc Colls Limited, Hatton Park, Bromyard, HR7 4EY. **For the sale of alcohol off the premises to vary the terminal hour to 23.00 hours Monday to Sunday.**

Dear Sir/Madam

We are making this representation to request that the above extension from 22.00 to 23.00 hours be denied as it will adversely effect the quality of life of the local residents. We are the house directly attached to Mc Colls shop and as such we have to 'put up' with the noise of the car doors slamming, car engines excessively revving and loud conversations until 22.00 hours, seven days a week at present. We have children one of which is eight years old and the other eighteen (still in full time education) we have had to move the eight year old to a side bedroom as the excessive noise from the customers to the shop keep him awake, even with the relocation of his bedroom we are still woken three to four times weekly by our child who has been woken up from the noise, which is affecting his school work as he is constantly tied.

We feel that increasing the opening time by a further hour, seven days a week will only exacerbate the problem . We have noticed since moving into the premises three years ago a marked increase in traffic to the shop especially at night (this we are sure could be proved by the increase in Mc Colls profits!)

Also as all the other shops in Bromyard close at 22.00 customers will be directed to Mc Colls and hence add to the already unbearable situation.

Please give careful thought to the plight of the local residents when considering this application.

Yours sincerely

G.Hawkes

West Mercia POLICE
SERVING - PROTECTING - MAKING THE DIFFERENCE

Licensing Department
Bath Street
HEREFORD
HR1 2HT

Lo-Call Tel: 0300 333 3000
Direct Dial: 01432 36455
Fax: 01432 364563
Email: stephen.thomas@westmercia.pnn.police.uk

Our Ref: ST/AW
Your Ref:

4 MARCH 2010

EH & TS / LICENSING SECT
RECEIVED
10 MAR 2010
TO:

Herefordshire Council Licensing Section
The County Offices
PO Box 233
Bath Street
HEREFORD
HR1 2ZF.

Dear Sir/Madam

LICENSING ACT 2003 – APPLICATION FOR VARIATION OF HOURS – PREMISE LICENCE
HATTON PARK STORES, MCCOLLS, BROMYARD HR7 4 EY

I am in receipt of a copy of the above application.

On behalf of the Chief Constable I have no relevant representations to make.

I would be grateful if you could send me a copy of the licence when issued.

Yours faithfully

S THOMAS
PC697
LICENSING OFFICER.

HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Chief Fire Officer/Chief Executive P Hayden MA, MSc, MIFireE
Hereford & Worcester Fire and Rescue Service Headquarters
2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR
Tel 0845 12 24454 Fax 01905 357466 Web www.hwfire.org.uk
West District HQ, St Owen Street, Hereford, HR1 2JW

LAct1

Telephone	01432 347034
Your reference	DDC/CB/25594
My reference	W5400011/JN
Please ask for	Joe Nims
Date	05 March 2010

DWF
5 St Paul's Square
Old Hall Street
Liverpool
L3 9AE

EH & TS / LICENSING SECTION
RECEIVED
08 MAR 2010
TO:

Dear Sirs

Fire Precautions
Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Hatton Park Stores, Hatton Park, Bromyard, HR7 4EY

Receipt of the above application is acknowledged and from the information provided the Fire Authority has no objection to the grant/variation of the premises licence.

The applicant and other responsible persons should be aware that the Regulatory Reform (Fire Safety) Order 2005 requires that a fire risk assessment is carried out to identify fire hazards and the general fire precautions necessary to ensure the safety of persons. This will include an assessment of the adequacy of existing measures to control risk in the event of fire; for example, the adequacy of existing escape routes and the maximum numbers of persons that could be safely evacuated in the event of fire, the adequacy of emergency escape lighting and escape signage, the adequacy of the means for detecting and raising the alarm, the suitability of means for extinguishing fire, measures for action to be taken in the event of fire, and measures relating to the instruction and training of stewards and other employees.

Guidance on conducting a fire risk assessment is available on www.firesafetyguides.communities.gov.uk where you can freely download HM Government guidance suitable for your premises. The guides for 'small and medium places of assembly' and 'large places of assembly' each include methodology for calculating safe maximum numbers of persons for premises and parts of premises. The Fire Authority may require sight of your fire risk assessment and a failure to undertake this, where it places persons at risk, is an offence and may result in prosecution or other enforcement action against you by the Fire Authority.

Yours faithfully

Fire Safety Officer

cc: Herefordshire Council, Licensing Section, P O Box 233, Hereford, HR1 2ZF