

AGENDA

Regulatory Sub Committee

Date: **Friday 26 November 2010**

Time: **10.00 am**

Place: **Meeting Room 18a, 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 JW Hope MBE
Councillor RC Hunt
Councillor PJ McCaull

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 'TJ'S BAR & BISTRO, 62 COMMERCIAL ROAD, HEREFORD, HR1 2BP.'	1 - 6
To consider an application for the variation of a premises licence in respect of the 'TJ's Bar & Bistro, 62 Commercial Road, Hereford, HR1 2BP'.	
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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.

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- 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.

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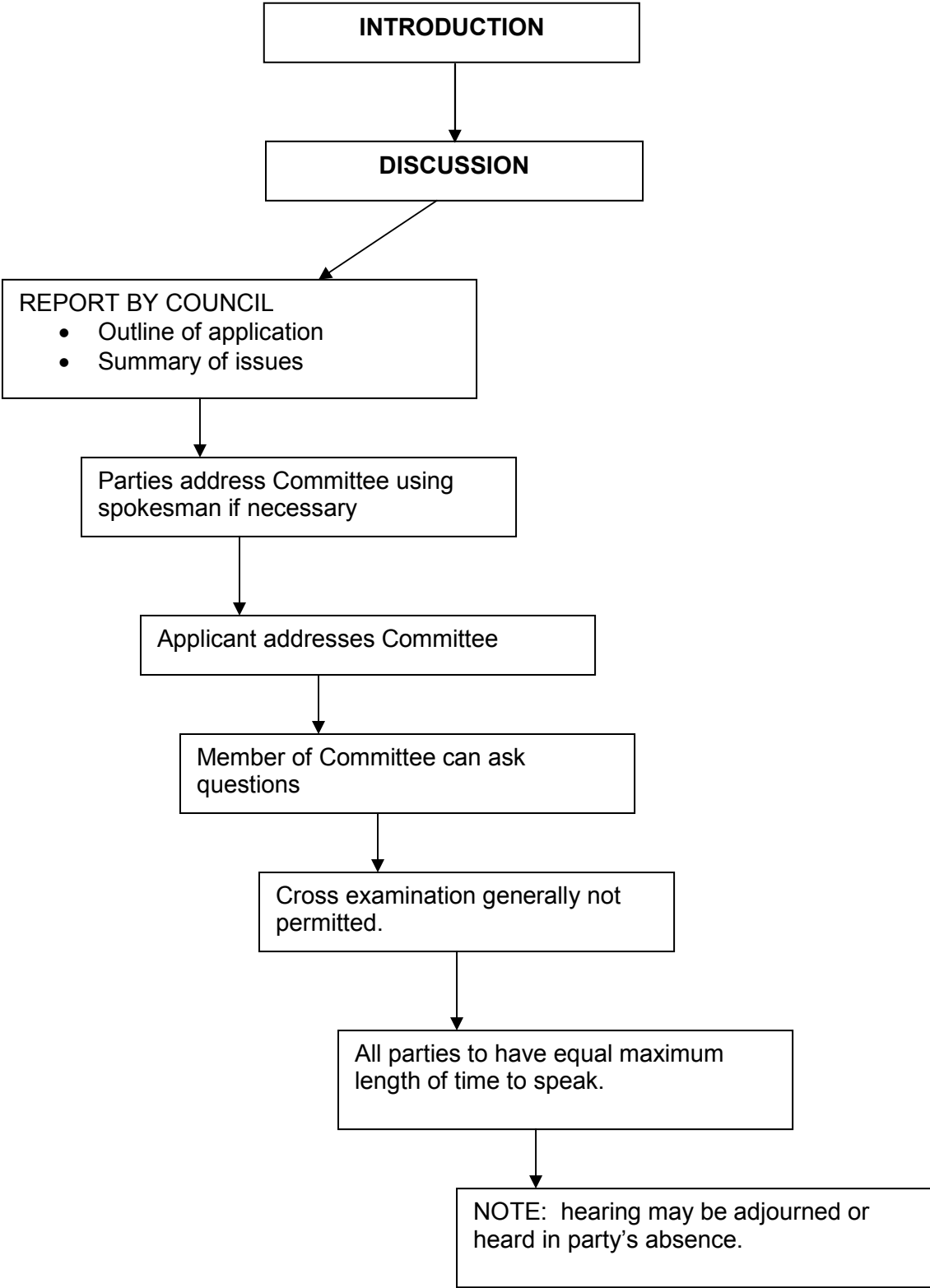
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	26 NOVEMBER 2010
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'TJ'S BAR & BISTRO, 62 COMMERCIAL ROAD, HEREFORD, HR1 2BP.' - LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (ENVIRONMENTAL HEALTH & TRADING STANDARDS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Hereford City

Purpose

To consider an application for the variation of a premises licence in respect of the 'T J's Bar & Bistro, 62 Commercial Road, Hereford, HR1 2BP'.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 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 Representation against the application
- 1 Representation from the West Mercia Police as a Responsible Authority

Options

- 1 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,

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

- b) Grant the licence 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 refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Harjinder Singh 61A Commercial Road, Hereford, HR1 2BP	
Solicitor	Williams Beales & Co, 9 Broad Street, HR3 5DB	
Type of application: Variation Application	Date received: 3/09/10	28 Days consultation 30/09/10

Licence Application

- 4 The application for a variation to the premises licence has received representations and is therefore brought before the sub-committee for determination.

Current Licence

- 5 The current licence authorises: -

An exhibition of films, Any playing of recorded music

Monday - Sunday: 10:00 – 00:30

A performance of Live Music

Monday – Sunday: 12:00 – 23:30

Sale by retail of alcohol

Monday – Sunday: 12:00 – 23:30

Non Standard Timings:

10:00 on New Years Eve to the commencement of permitted hours on New Year's Day.

Summary of Application

- 6 The application applies for the following licensable activities during the hours shown (all indoors): -

Any playing of recorded music; Sale by retail of alcohol (on & off premises)

Monday - Sunday: 11:00 – 01:30

Sale by retail of alcohol (on premises)

Monday - Sunday: 12:00 – 01:30

Summary of Representations

- 7 A copy of the representations can be found within the background papers.
- 8 1 representation has been received from a Responsible Authority – West Mercia Police.
- 9 1 Local resident has made a representation against the application.

Key Considerations

- 10 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.
- 11 The premises are within the Special Policy Area (Cumulative Impact Area), as mentioned at Appendix 1 of the Herefordshire Council Licensing Policy 2008 – 2011.

Community Impact

- 12 The granting of the licence as applied for may have an impact on the community.

Legal Implications

- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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’.

- 18 The Committee should be aware of the stated case of R (on the application of JD Wetherspoons) v Guildford Borough Council [2006] EWHC 815 (Admin). Wetherspoons applied for a variation to their Lloyds Number 1 Bar within the cumulative impact area of Guildford which was subject to their Special policy.
- 19 The Committee refused to grant this application on the grounds that the variation was likely to add to existing cumulative impact of the area.
- 20 This was appealed to the High Court and the appeal was dismissed.
- 21 The Committee’s attention is drawn to the guidance issued under Section 182 of the Licensing Act which states at paragraphs:

“THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

What is cumulative impact?

13.24 “Cumulative impact” is not mentioned specifically in the 2003 Act but means in this Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

13.25 In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While more flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater in these cases than the impact of customers of individual premises. These conditions are more likely to occur in town and city centres, but may also arise in other urban centres and the suburbs.

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 new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.

- 22 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).

23 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

- 24 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 25 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.
- 26 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.
- 27 The applicant has produced a copy of that advertisement which is correct.

Appendices

- 28
 - a. Public representation
 - b. Police representation
 - c. Application Form
 - d. Licensing Policy Appendix 1

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.

EH & TS / LICENSING SECTION
RECEIVED
 29 SEP 2010
 TO:

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 **HARJINDER SINGH**

(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 PR00497

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description TJ's BAR & BISTRO 62 COMMERCIAL ROAD			
Post town	HEREFORD	Post code	HR1 2BP

Telephone number at premises (if any)	01432 342341
Non-domestic rateable value of premises	£6250

Part 2 – Applicant details

Daytime contact telephone number	01432 342341 — not his number <i>JS</i>		
E-mail address (optional)			
Current postal address if different from premises address	61A COMMERCIAL ROAD		
Post Town	HEREFORD	Postcode	HR1 2BP

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

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
TO ALLOW THE PROVISION OF ALCOHOL ON THE PREMISES UNTIL THE HOUR OF
0130am ON EVERY DAY.

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

0

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
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)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
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

Boxing or wrestling entertainments 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3) THE PLAYING OF RECORDED MUSIC FOR THE ENTERTAINMENT OF CLIENTS BUT INCIDENTAL TO THE PRIMARY FUNCTION OF THE PREMISES					
Mon	0000	0130						
	1100	0000						
Tue	0000	0130						
	1100	0000						
Wed	0000	0130				State any seasonal variations for the playing of recorded music (please read guidance note 4) -		
	1100	0000						
Thur	0000	0130						
	1100	0000						
Fri	0000	0130						
	1100	0000						
Sat	0000	0130						
	1100	0000						
Sun	0000	0130						
	1100	0000						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Tue					
			<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> (please read guidance note 5)		
Wed					
Thur					
Fri					
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)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<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> (please read guidance note 5)		
Sun					

I

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) -
Day	Start	Finish	
Mon	0000	0200	
	1100	0000	
Tue	0000	0200	
	1100	0000	
Wed	0000	0200	
	1100	0000	
Thur	0000	0200	<u>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</u> (please read guidance note 5) -
	1100	0000	
Fri	0000	0200	
	1100	0000	
Sat	0000	0200	
	1100	0000	
Sun	0000	0200	
	1200	0000	

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
 NONE SOUGHT

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

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)

NO NEW STEPS HAVE BEEN IDENTIFIED BY RISK ASSESSMENT IN RELATION TO THE FOUR LICENSING OBJECTIVES EXCEPT AS SET OUT BELOW.

WE HAVE CONSIDERED THE TERMS OF THE HEREFORDSHIRE LICENSING POLICY IN PREPARING THIS APPLICATION AND IN PARTICULAR THE CUMULATIVE IMPACT POLICY FOR THE PERIOD 2008-2011 FOR THE AREA

b) The prevention of crime and disorder

1. WE MAINTAIN A CCTV SYSTEM INSIDE AND OUTSIDE THE PREMISES WITH HARD DISK RECORDINGS WHICH ARE RETAINED FOR 28 DAYS. THERE ARE 16 CAMERAS IN TOTAL ON THE THREE ASSOCIATED PREMISES BEING TJ's BAR & BISTRO, GOLDEN GALLEON FISH & CHIP SHOP AND THE GLASS TANDOOR RESTAURANT.
2. WE MAINTAIN A REGISTER OF INCIDENTS RELEVANT TO THE FOUR LICENSING OBJECTIVES
3. WE HAVE A COMPREHENSIVE STAFF TRAINING PROGRAMME AND ALL STAFF ARE TRAINED IN THE LICENSING ACT 2003 AS IT IS RELEVANT TO THEIR JOBS AND IN DRUG AWARENESS
4. WE WORK CLOSELY WITH THE POLICE , LOCAL AUTHORITY, LICENSED TRADE ASSOCIATIONS AND OTHER ENFORCEMENT AGENCIES TO ENSURE WE ADOPT INDUSTRY BEST PRACTICE IN SUPPORT OF THE LICENSING OBJECTIVES
5. WE ARE MEMBERS OF THE LOCAL H.A.N.D. SCHEME
6. WE PARTICIPATE IN THE HEREFORD CITY CENTRE "PUB RADIO" SCHEME
7. AS REQUIRED BY THE LOCAL LICENSING POLICY WE PROVIDE A MINIMUM OF TWO TRAINED DOOR SUPERVISORS
8. THERE IS A SPECIFIC REQUIREMENT THAT OPENED CONTAINERS ARE NOT PERMITTED TO BE REMOVED FROM THE PREMISES SO THAT THE LICENCE OPERATES ONLY AS AN "ON LICENCE"
9. IN LINE WITH CURRENT POLICY DRINKS PROMOTIONS ARE ONLY UNDERTAKEN IN COMPLIANCE WITH BBPA GUIDELINES
10. WE HAVE A BURGLAR ALARM
11. ALL STATUTORY NOTICES ARE DISPLAYED.

c) Public safety

1. ALL ELECTRICAL AND GAS APPLICANCES ARE TESTED IN ACCORDANCE WITH CURERNT REGULATIONS
2. WE HAVE EMERGENCY LIGHTING AND MAINTAIN ADEQUATE FIRE FIGHTING EQUIPMENT
3. ALL STAFF WEAR A RECOGNISABLE UNIFORM

d) The prevention of public nuisance

1. WE OBSERVE THE LICENSING AUTHORITY'S RECOMMENDED POLICY FOR DOOR SUPERVISORS AND FOR ADMISSION TO THE PREMISES AT ALL RECOMMENDED TIMES
2. AT ALL RELEVANT TIMES A MINIMUM OF TWO DOOR SUPERVISORS ARE ON DUTY
3. OPENED CONTAINERS ARE NOT PERMITTED TO BE REMOVED FROM THE PREMISES

e) The protection of children from harm

NO UNUSUAL RISKS OF HARM TO CHILDREN HAVE BEEN IDENTIFIED

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	<i>William Beale</i>
Date	14 th Septemeber 2010
Capacity	SOLICITOR

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)

PAUL TOMPKINS
SOLICITOR
WILLIAMS BEALES & CO
9 BROAD STREET

Post town	HAY ON WYE	Post code	HR3 5DB
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Telephone number (if any)	01497 820302
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)	paul@williamsbeales.co.uk
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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.

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 to 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.

*M. Williams and S. Firth,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*

*Telephones : [REDACTED]
Or [REDACTED]*

Licensing Section,
Herefordshire Council,
County Offices,
P.O. Box 233,
Bath Street,
Hereford,
HR1 2ZF.

7th. October, 2010.

Dear Sir / Madam,

We write to object to the application by the proprietors of the Long Bar in Commercial Road, Hereford to extend their hours of opening into the early hours of the morning, namely 1.30 a.m.

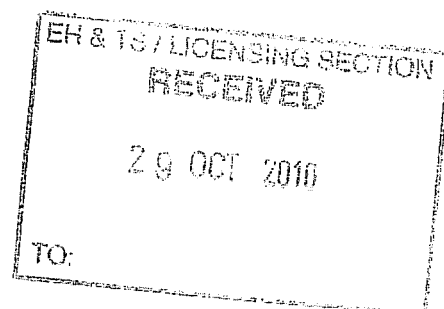
We already have problems of noise pollution that we have raised with your colleagues in Environmental Health (please refer to the attached copies of recent correspondence with them) and can only conclude that additional opening hours will only exacerbate an existing problem.

Please note that we shall be absent on holiday for a fortnight as from next Monday.

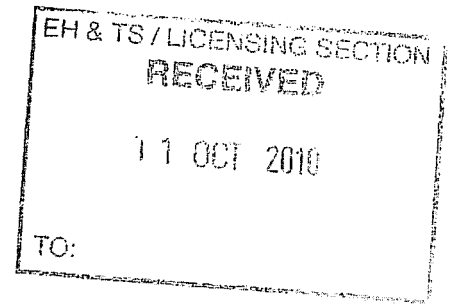
Yours faithfully,

M. Williams.

S. Firth



*M. Williams,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*



*Telephones : [REDACTED]
Or [REDACTED]*

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

13th. August, 2010

Dear Sir / Madam,

I had occasion previously to write to you concerning the unacceptable level of late night noise coming from the premises, now known as the Long Bar, which are directly across the road from where I live.

Although I fully appreciate that this problem cannot be completely eliminated, it was considerably reduced before to an acceptable level by the simple remedy of ensuring the inner set of entrance doors were kept closed whenever possible.

Since that time, the business has changed management, and, unfortunately, the same noise problem has reoccured, especially on those nights which feature karaoke sessions and which last until the early hours of the morning. Obviously, this keeps me awake and results in sleepless nights.

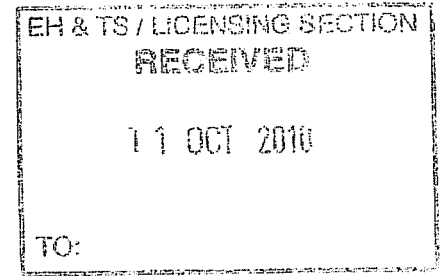
Would it be possible please to ask the present proprietors to revert to the previous practice in order to help the situation ?

Thanking you,

Yours faithfully,

M. Williams.

*M. Williams,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*



*Telephones : [REDACTED]
Or [REDACTED]*

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

23rd. August, 2010

Dear Sir / Madam,

I refer to my letter of 13th. August inst. (a copy of which is attached for your convenience) and would be grateful to hear from you.

Since the date of my letter, the same problem has reoccured on Monday, 16th. August and on Wednesday, 18th. August with the disturbance on both instances lasting into the early hours of the following morning.

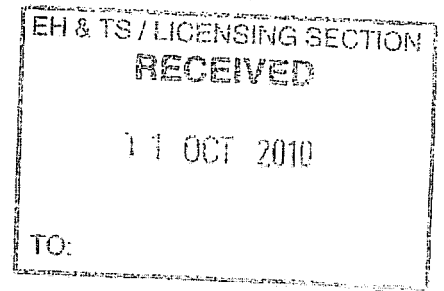
Thanking you in anticipation,

Yours faithfully,

M. Williams.

*M. Williams,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*

*Telephones : [REDACTED]
Or [REDACTED]*



Environmental Health Protection (Noise Pollution),
Herefordshire Council,
County Offices,
Bath Street,
Hereford,
HR1 2HQ.

10th. September, 2010.

Dear Sir / Madam,

I have previously written to yourselves on 13th. August and 23rd. August.2010 (copies of which are enclosed for your reference).

I would be grateful to receive a response from yourselves, as the noise problem, already described in those letters, has if anything become worse on the two or three nights each week when these karaoke sessions are held.

Thanking you.

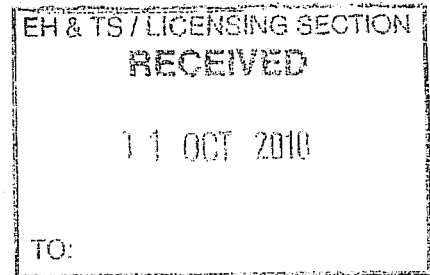
Yours faithfully,

M. Williams.

*M. Williams and S. Firth,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*

*Telephones : [REDACTED]
Or [REDACTED]*

Licensing Section,
Herefordshire Council,
County Offices,
P.O. Box 233,
Bath Street,
Hereford,
HR1 2ZF.



7th. October, 2010.

Dear Sir / Madam.

We write to object to the application by the proprietors of the Long Bar in Commercial Road, Hereford to extend their hours of opening into the early hours of the morning, namely 1.30 a.m.

We already have problems of noise pollution that we have raised with your colleagues in Environmental Health (please refer to the attached copies of recent correspondence with them) and can only conclude that additional opening hours will only exacerbate an existing problem.

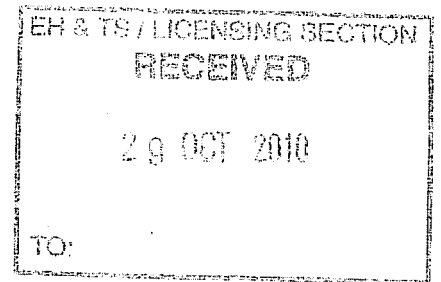
Please note that we shall be absent on holiday for a fortnight as from next Monday.

Yours faithfully,

M. Williams. [REDACTED]

S. Firth [REDACTED]

*M. Williams and S. Firth,
Flat 1,
16, Commercial Road,
Hereford,
HR1 2BB.*



*Telephones : [REDACTED]
Or [REDACTED]*

Licensing Section,
Herefordshire Council,
County Offices,
P.O. Box 233,
Bath Street,
Hereford,
HR1 2ZF.

28th. October, 2010.

Dear Sir / Madam.

Further to our letter of 7th. October, 2010 (a copy of which is attached for your reference), in the absence of a response from your goodselves in the interim, we wonder if any progress has been made in this matter.

Our concerns are as relevant as they were before, bearing in mind that the noise problem continues after the official closing time, with clearing the customers from the premises and when they congregate outside in Commercial Road, thus causing a different but comparable noise aggravation which can last for a considerable period.

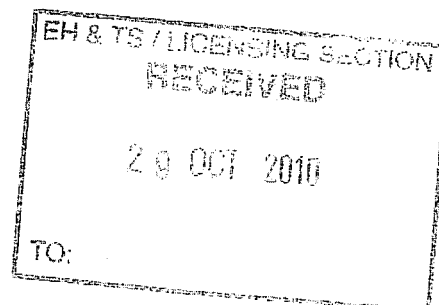
Yours faithfully,

[REDACTED]

M. Williams.

[REDACTED]

S. Firth



Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT



0300 333 3333 ext 4702
Direct Dial: 01432 347102

E-mail licensing.herefordshire@westmercia.pnn.police.uk

26 October 2010

Our Ref:
Your Ref:

**Herefordshire District Council
Licensing Authority
PO Box 233
Bath Street
HEREFORD. HR1 2ZF**

Dear Sir/Madam

Ref **Premises licence variation application – TJ's Bar, 62 Commercial Road,
Hereford**

I refer to the above application made in pursuant of the Licensing Act 2003, received by the West Mercia Police on the 29 September 2010

On behalf of the Chief Constable please take this as an Objection Notice for the purposes of of the Act.

This objection notice is served because it is the view of the West Mercia Police that to allow such application would undermine the licensing objectives and in particular the objective of the prevention of crime and disorder.

West Mercia Police submit the following as grounds to object to the application.

- The location of the premises is included in Herefordshire Councils licensing policy with regards to the cumulative and detrimental impact on the licensing objectives of the prevention of crime and disorder, ensuring public safety and the prevention of public nuisance. The Commercial Road area of Hereford has long been the 'no 1 hot spot' for alcohol related crime and disorder and nuisance.

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- To assist a direct quote from Appendix 1 of Herefordshire District Council Licensing Policy 2008-2011 states -
- 'Special Policy part 5 ***The effect of this is to create a rebuttal presumption that applications for new premises or material variations will normally be refused if relevant representation to that effect are made unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already been experienced..***'
- From the 01 January 2009 to the 31 December 2009 a total of **325 crime incidents** have occurred in this area which have a link to the licensing objectives – these offences that have been recorded are assaults and public order matters.
- Since the beginning of 2010, up until 26 October 2010, there have been a total of **263 crime incidents** in the Commercial Road area of Hereford. These have been recorded as assaults and public order offences and have involved a police investigation.
- Additionally the following matters have been recorded on West Mercia Police message systems as matters reported to them as occurring in the Commercial Road area (note these figures will include the crimes recorded as above as not all matters result in a police investigation) –

Anti social behaviour 133 reports
Public order 110 reports
Assaults 68 reports
Total reports = 311

- In addition these can be broken down into time spans, and information indicates they occur between the hours of 2200hrs and 0400hrs –

Anti social behaviour 78 reports
Public order 81 reports
Assaults 43 reports
Total reports between 2200hrs and 0400hrs = 202

- Additionally a total of **15 incidents** have occurred **in or near the applicants premises in 2010**, which are in the view of West Mercia Police attributed to the fact it was open
- The Commercial Road area of Hereford, has a total of thirteen licensed premises.
- This made up of one night club, six public houses and six take-ways and late night refreshment houses. The night club has a licence until 0400hrs, the latest time (and the main closing time) for the public houses are 0100hrs and the late night refreshment premises close at 0130hrs. It is the view of West Mercia Police that the area and the nearby vicinity has sufficient licensed premises to meet public demand and increase in operating hours will have a direct impact on the licensing objectives.
- Nearby and included in the Licensing Authorities special policy appendix are a total of 16 other various licensed premises.
- The applicant indicates that they are a member of the **HAND** (Herefordshire Against Night Time Disorder), whilst this may be true in theory, in practise they are **not** an active member having not attended or participated in the majority of monthly meetings since 2008. Records indicate they have only re-started to attend meetings since this application was received.
- The policing resources for the Territorial Policing Unit for Herefordshire does not have unlimited police numbers, on a normal night after 2200hrs, a maximum of 13 officers would be available for

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deployment in the whole of the county – of which at least 6 would be expected to cover the market towns. On Friday and Saturday evenings, operational police shift patterns in order to meet the demand of the county, are varied to ensure numbers are increased between the hours of 2200hrs and 0400hrs. It can be expected that at a peak time a maximum of 28 officers will be available. Of this a maximum of 16 will be based in the Hereford city centre. This is a big draw on policing numbers and the ability of West Mercia Police to respond to incidents as they occur. To extend the operating hours of these premises would have further impact on West Mercia Polices ability to respond to incidents, meet demand and public expectation.

- West Mercia Police still believe that the cumulative impact of the high level of licensed premises in the Commercial Road and nearby areas of Hereford, impact on the licensing objectives and therefore any new licences or variations to licences applied for cannot be justified as a matter of course for all the reasons stated.

Lastly it is the intention of West Mercia Police to provide further information to support the above issues if deemed necessary in the event of this matter being taken to the Licensing Authority Regulatory Committee. In the event of this happening, this information will be provided in sufficient time for all parties' information.

Yours sincerely,

Jim MOONEY
Police Licensing Officer

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