Herefordshire Council

AGENDA

Regulatory Sub Committee

Date:	**Tuesday 29 May 2012**
Time:	**10.00 am**
Place:	**Meeting Room 22a, 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

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

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.

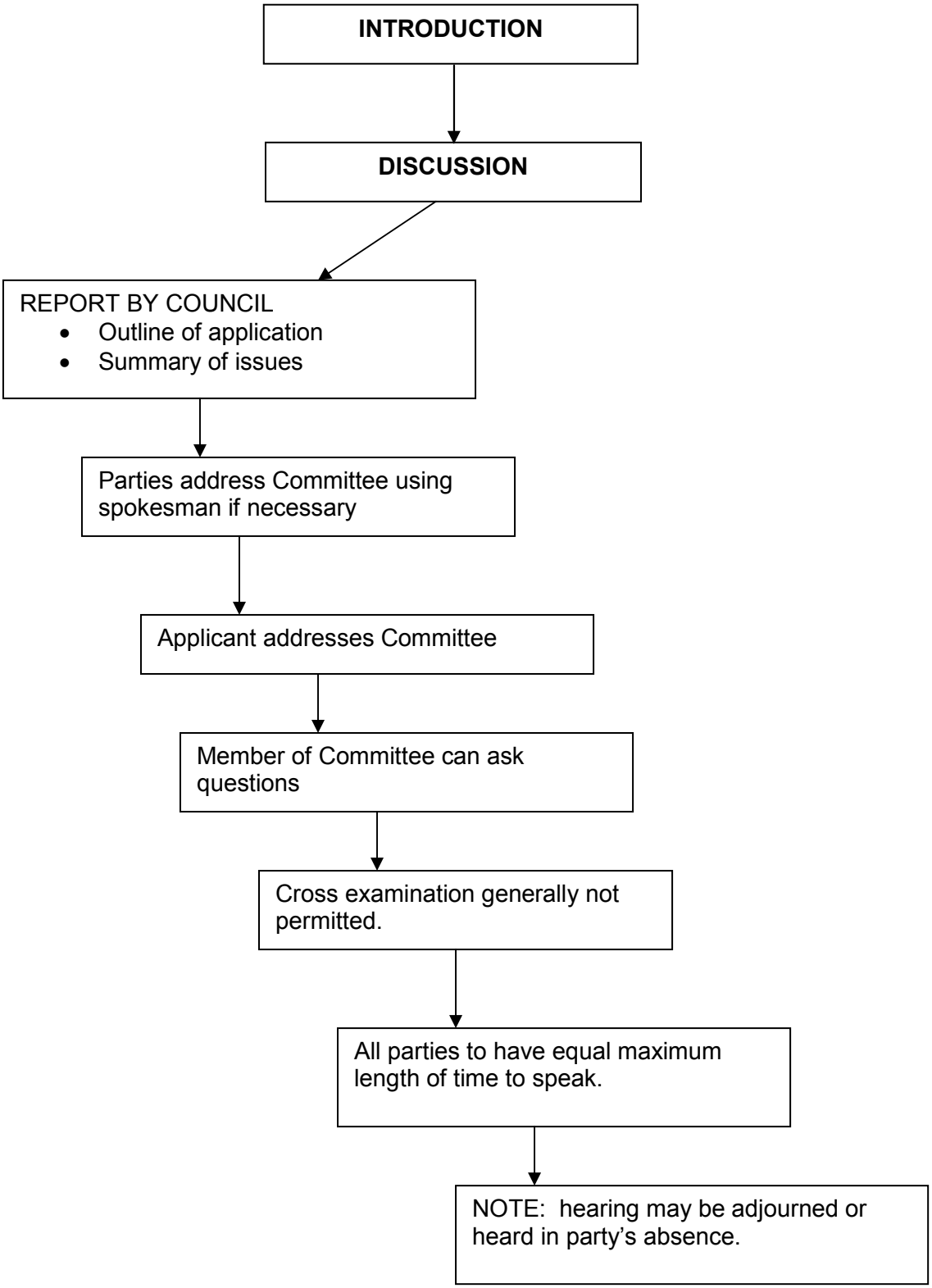
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point A which is located in the circular car park at the front of the building. 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:	**29 MAY 2012**
TITLE OF REPORT:	**HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH AP29 (PART) IN THE PARISH OF ASHPERTON**
PORTFOLIO AREA:	**HIGHWAYS AND TRANSPORTATION**

CLASSIFICATION: Open

Wards Affected

Frome

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath AP29 in the parish of Ashperton.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D420/13-29

Key Points Summary

- The landowner, Mr Gittings applied for a public path diversion order on 25th of January 2012.
- The existing line of the footpath travels through a garage.
- Malvern Hills District Council indicated the incorrect position of the footpath as part of the planning permission process for the garage, allowing it to be built in 1993.
- The landowner has carried out a pre-order consultation to which no objections were received.

Alternative Options

1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Further information on the subject of this report is available from
Susan White, Assistant Rights of Way Officer on (01432) 842106

Reasons for Recommendations

2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and there have been no objections at pre-order consultation stage.

Introduction and Background

3 This report is being considered by the Regulatory Sub Committee because they have the delegated authority to make the decision whether or not to make an order.

Key Considerations

4 Mr Gittings, who is the landowner, made the application on 25th of January 2012. The reasons given for making the application were, 'Malvern Hills District Council incorrectly showed the line of footpath running down the eastern boundary hedge, putting a stile and sign in the wrong position and passing the planning application for the garage on the footpath which is shown on todays' ordinance survey map'.

5 The applicant has carried out all pre order consultation. The proposal has general agreement and the adjoining landowner Mr E Davies, whose property is also affected by the application has agreed in writing to the proposals.

6 The applicant will pay half the cost of making the proposed order (ie half the administration and half of the advertising costs) as the error was, at least in part, due to the advice given to him from the local authority in 1993.

7 The proposed width of the path is 1.5m not 2m as is usually specified, this is due to the constraints on the ground.

8 The local member, Cllr. P M Morgan supports the application.

9 The proposed diversion meets the specified criteria as set out in Council policy and in section 119 of the Highways Act 1980 in particular that:

- The proposal benefits the owner of the land crossed by the existing path.
- The proposal alters the point of termination of the path but only to another point which is substantially as convenient.
- The proposal is not substantially less convenient to the public.

Equalities Impact

10 The proposed new route has similar gradients to those found on the existing route. As such, the proposal is considered to comply with the requirements of the Equality Act 2010. An existing stile will be replaced by a gate thus improving access.

Community Impact

11 Ashperton Parish Council has been consulted as part of the pre-order consultation process and have no objections to the proposals.

Financial Implications

12 The applicant has agreed to pay half the costs associated with this order, including half the administration costs and half of the advertising costs. This arrangement is specific to this particular case, because the local authority was arguably responsible for providing incorrect advice at the time the garage was built.

Legal Implications

13 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

Risk Management

14 There is a risk that this order, if made as proposed, will receive objections thus necessitating referral to the Secretary of State for a decision. This could result in a public inquiry which would place increased demands on PROW officer time and resources. However, this is unlikely, as the proposals have been sent to pre-order consultation and no objections were received.

Consultees

15

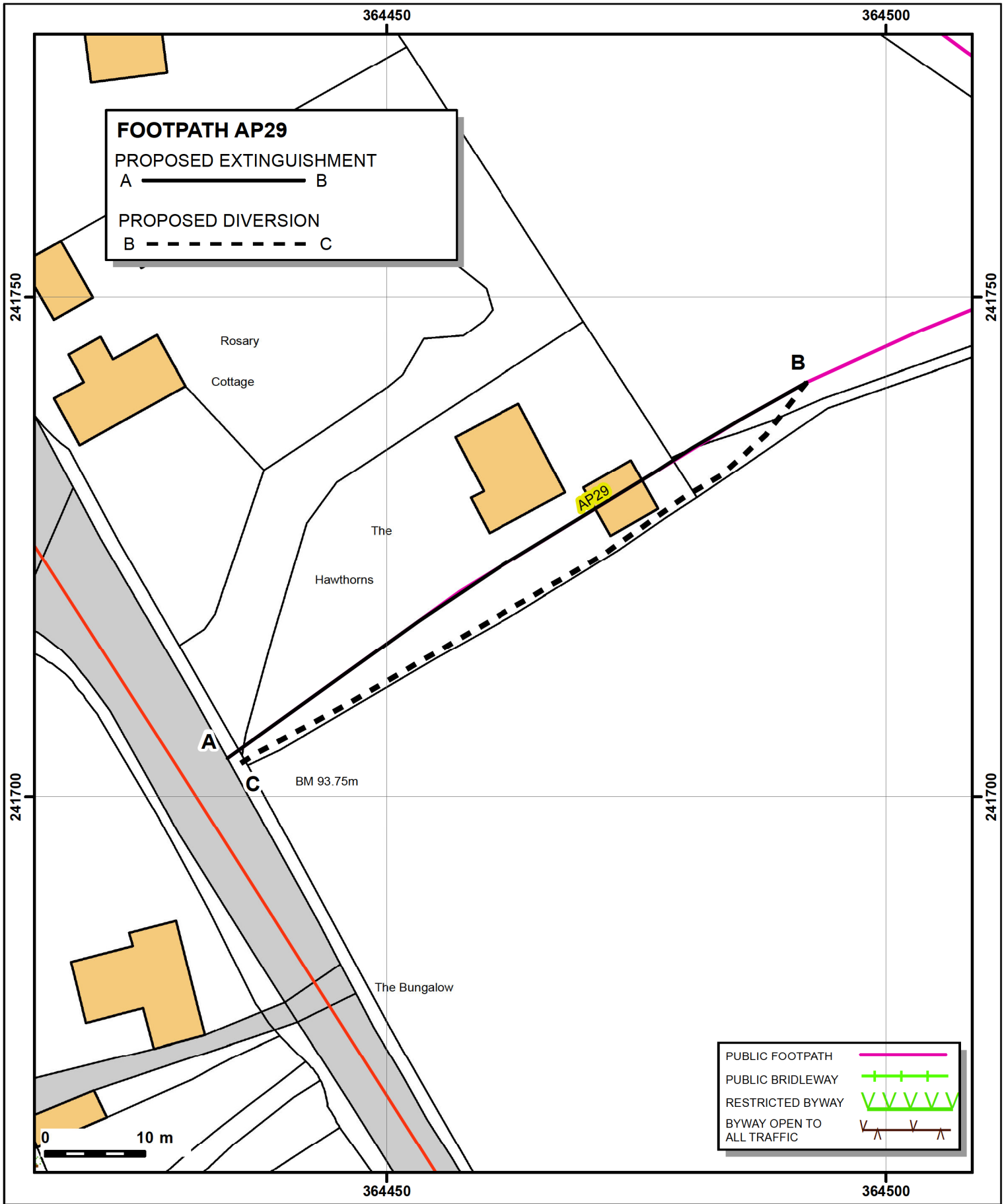
- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. P M Morgan
- Ashperton Parish Council.
- Statutory Undertakers.

Appendices

16 Order Plan, drawing number: D420/13-29 and Order and Schedule.

Background Papers

- None identified.



NORTH

HIGHWAYS ACT 1980, SECTION 119
HEREFORDSHIRE COUNCIL-FOOTPATH AP29 (PART)
PARISH OF ASHPERTON
PUBLIC PATH DIVERSION ORDER 2012

Herefordshire Council

DWG No.: D420/13-29
SCALE 1:500 @ A4

Amey Herefordshire
Unit 3, Thorn Business Park
Rotherwas Industrial Estate
Hereford HR2 6JT
Tel.: (01432) 845 900
Email:ameyherefordshire@amey.co.uk

Herefordshire Council

MEETING:	**REGULATORY SUB-COMMITTEE**
DATE:	**29 MAY 2012**
TITLE OF REPORT:	**HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH GR6 (PART) IN THE PARISH OF GOODRICH**
PORTFOLIO AREA:	**HIGHWAYS AND TRANSPORTATION**

CLASSIFICATION: Open

Wards Affected

Kerne Bridge

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath, GR6, in the parish of Goodrich.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D417/154-6

Key Points Summary

- Goodrich and Welsh Bicknor Parish Council made an application to divert footpath GR6 on the 9th of January 2012.
- The proposals were identified in the Village Design Statement and the School Travel Plan to enable a safe route between Dean Swift/Goodrich Cross area and the school.
- The parish have gained funding to support the proposals.
- A pre-order consultation has been carried out to which there were no objections.

Alternative Options

1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the

Council.

Reasons for Recommendations

2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and there have been no objections at pre-order consultation stage.

Introduction and Background

3 This report is being considered by the Regulatory Sub-Committee because they have the delegated authority to make the decision whether or not to make an order.

Key Considerations

4 Goodrich and Welsh Bicknor Parish Council made the application on 9th of January 2012. The reasons given for making the application were:

> The desire to provide parents and children with a safer walking route from the Dean Swift/Goodrich Cross areas to the school were included within the School Transport Plan. The existing route brings walkers out onto a section of road with poor visibility. There is also a need to then walk along a stretch of narrow and dangerous road. The proposed diversion will bring walkers out at a point where visibility is better and it will only be necessary to cross the road rather than walk along it.
> The proposed diversion will provide a wider path along the stretch in question thereby improving the facility for use by pushchairs etc.
> The proposed diversion was included within the Village Design Statement, produced by the Parish Council in the Spring of 2010, in which it was confirmed that the proposal had support from all areas of the community served by the Council.
> This footpath represents an important link between the dispersed areas of the Parish and the Parish Council consider it important to ensure this link is improved in order to provide a good quality, safe, intra-village route.
> The proposed diversion will increase usage of the footpath for 'to and from school' journeys thereby reducing car usage for these short, local journeys.

5 The applicant has carried out all pre order consultation. The proposal has general agreement, however the Open Spaces Society have requested that the new route should not be fenced - to which the landowner has agreed; a gate should be installed with a 'refuge' prior to meeting the road – which has been agreed and set out in the proposed order; and they have requested a signpost at the roadside and waymarking - which is also set out in the proposed order. The Ramblers' Association made the same points.

6 The affected landowners, whose properties are affected by the application have also agreed to the proposals and have signed forms to waive any compensation or expenses which may be due.

7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.

8 The local member, Cllr. J G Jarvis, has no objections to the application.

9 The proposed diversion meets the specified criteria as set out in Council policy 119 of the Highways Act 1980 in particular that:

- The proposal benefits the public.

- The proposal does alter the point of termination of the path, however, this is onto another point on the same highway which is not less convenient.
- The proposal is not substantially less convenient to the public or to the landowners.

Equalities Implications

10 The proposed new route has similar gradients to those found on the existing route. Users must negotiate a gate on both the existing and the proposed routes however the existing section of path also encompasses a stile, whilst the proposed section of path does not. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

Community Impact

11 The proposals have been initiated by the Parish Council and have widespread support from the Parish through the Village Design Statement and the School Travel Plan.

Financial Implications

12 Goodrich and Welsh Bicknor Parish Council have agreed to pay all associated costs with this order including administration, advertising and any works necessary to bring the route into being. They have also agreed to maintain the route once made.

Legal Implications

13 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

Risk Management

14 There is a risk that if an order is made as proposed, it may receive objections which would necessitate the referral to the Secretary of State for a decision. This would place increased pressure on officer time and resources. However, this is unlikely as a pre-order consultation has been carried out and has not received any adverse comments. The landowners have also agreed to the proposals.

Consultees

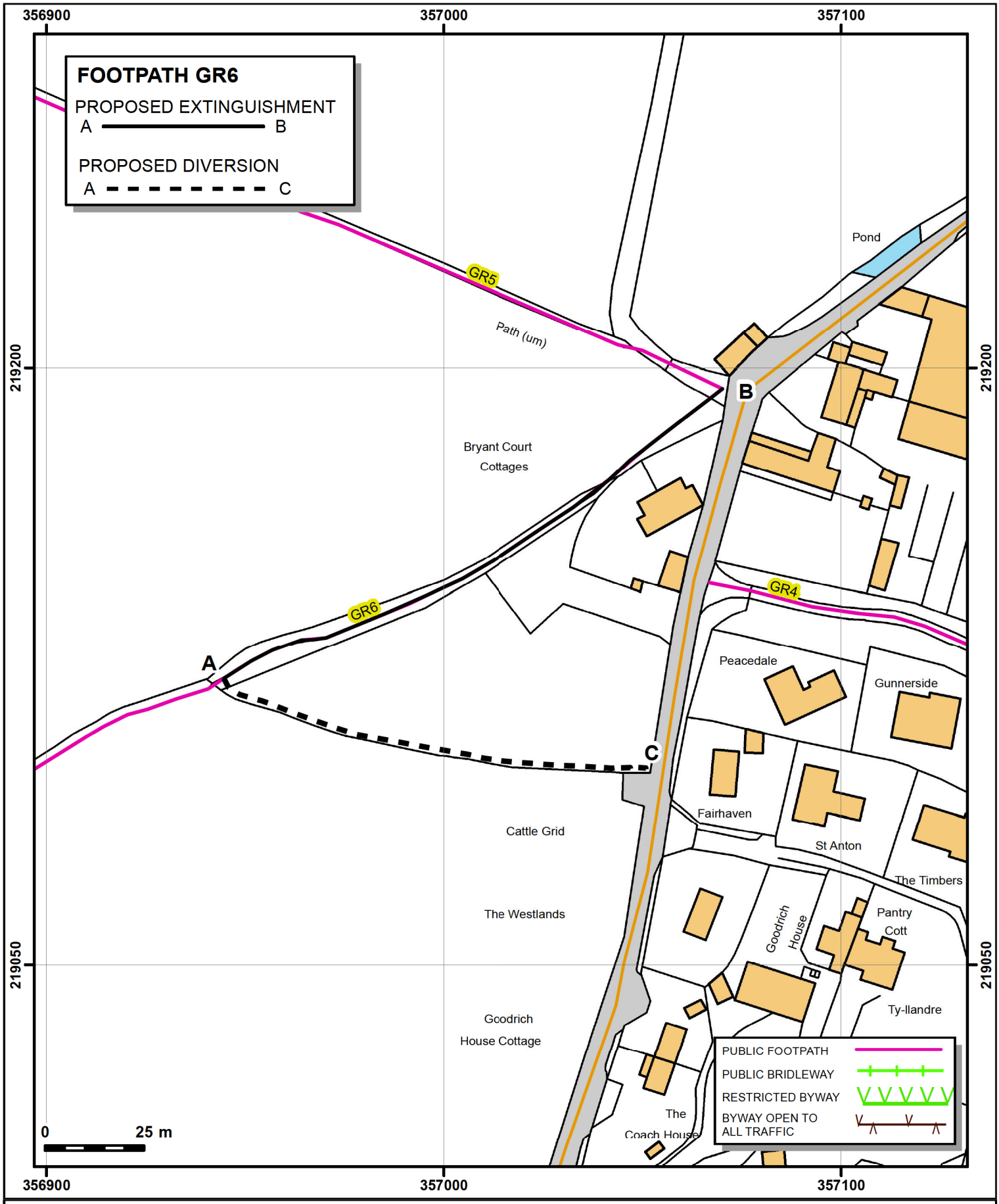
- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. J G Jarvis
- Goodrich and Welsh Bicknor Parish Council.
- Statutory Undertakers.

Appendices

Order Plan, drawing number: D417/154-6 and Order and Schedule.

Background Papers

- None identified.



NORTH

HIGHWAYS ACT 1980, SECTION 119
HEREFORDSHIRE COUNCIL-FOOTPATH GR6 (PART)
PARISH OF GOODRICH
PUBLIC PATH DIVERSION ORDER 2012

Herefordshire Council

DWG No.: D417/154-6
SCALE 1:1,250 @ A4

Amey Herefordshire
Unit 3, Thorn Business Park
Rotherwas Industrial Estate
Hereford HR2 6JT
Tel.: (01432) 845 900
Email:ameyherefordshire@amey.co.uk

Herefordshire Council

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	29 MAY 2012
TITLE OF REPORT:	APPLICATION FOR A NEW PREMISES LICENCE 'MCDONALD'S RESTAURANT, 46 COMMERCIAL STREET, HEREFORD, HR1 2DJ – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for a new premises licence in respect of 'McDonald's Restaurant, 46 Commercial Street, Hereford, HR1 2DJ'.

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

- **Two (2)** representation from a member of the public
- **One (1)** representations from Responsible Authorities (Police)

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

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,

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	**Kemco (Hereford) Ltd** **Blenheim House, Fitzalan Court, Newport Road, Cardiff, CF24 0TS**	
Representative	**Shoosmiths Solicitors**	
Type of application: **New Application**	Date received: **03/04/2012**	28 Days consultation **30/04/2012**

Licence Application

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

Summary of Application

5 The application requests that:
Late Night Refreshment 23:00 – 04:00 Friday & Saturday

Non Standard Timings: None

Summary of Representations

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

7 Representations have been made by:

Two (2) members of the public

One (1) from Responsible Authorities (**Police** who have **objected** to the grant of the licence)

Key Considerations

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

Community Impact

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

Legal Implications

10 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.

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

In this case it was summed up that: -

12 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.

13 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.

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

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

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

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

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

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

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

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

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

16 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).

17 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

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

19 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.

20 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.

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

Additional Information

Section 8 of the Herefordshire Council Licensing Policy states at:

8.6 Particular consideration will be given to the following:

- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

Guidance issued under Section 182 of the Licensing Act 2003

THE NEED FOR LICENSED PREMISES

13.18 There can be confusion about the difference between the "need" for premises, and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

WHAT IS CUMULATIVE IMPACT?

13.19 "Cumulative impact" is not mentioned specifically in the 2003 Act. In this Guidance, it means 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.

13.20 **In some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.**

13.21 Queuing in itself may lead to conflict, disorder and anti social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public toilet provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and

public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

13.37 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard should be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

Appendices

22
- a. Application Form
- b. Public Representation
- c. Police Representation
- d. Additional Police Representation
- e. Herefordshire Council Special Policy

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.

LIC2

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

Herefordshire Council
County Offices
PO Box 233
Bath Street
Hereford
HR1 2ZF

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Kemco (Hereford) Limited
(Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
McDonald's Restaurants
46 Commercial Street

Post town Hereford | **Post code** HR1 2DJ

Telephone number at premises (if any): 01432 269269

Non-domestic rateable value of premises: £ 92,500.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

		Please tick ✓ Yes	
a)	an individual or individuals*	☐	please complete section (A)
b)	a person other than an individual*		
	i. as a limited company	☑	please complete section (B)
	ii. as a partnership	☐	please complete section (B)
	iii. as an unincorporated association or	☐	please complete section (B)
	iv. other (for example a statutory corporation)	☐	please complete section (B)
c)	a recognised club	☐	please complete section (B)
d)	a charity	☐	please complete section (B)
e)	the proprietor of an educational establishment	☐	please complete section (B)

   Laserform International 12/10

f) a health service body ☐ please complete section (B)

g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)

h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

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

Please tick ✓ Yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname _____ **First names** _____

Please tick ✓ Yes

I am 18 years old or over ☐

Current postal address if different from premises address _____

Post Town _____ **Postcode** _____

Daytime contact telephone number _____

E-mail address (optional) _____

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname | **First names**

Please tick ✓ Yes

I am 18 years old or over ☐

Current postal address if different from premises address

Post Town | **Postcode**

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name Kemco (Hereford) Limited
Address Blenheim House Fitzalan Court Newport Road Cardiff CF24 OTS
Registered number (where applicable) 03900793
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 0208 700 7000
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	5	2	0	1	2

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

Day		Month		Year			

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

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

The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ Yes

Provision of regulated entertainment

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:

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) ☐

Supply 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	
Day	Start	Finish		Outdoors	
				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 the playing of 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 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 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 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** (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	
Day	Start	Finish		Both	
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 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) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur					
Fri	23:00	04:00	**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	23:00	04:00			
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the supply of alcohol be for consumption (Please tick box)** ✓ (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	
Mon			**State any seasonal variations for the supply of alcohol** (please read guidance note 4)		
Tue					
Wed					
Thur			**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					
Sat					
Sun					

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

Name .....

Address

Postcode .....

Personal Licence number (if known) .....

Issuing licensing authority (if known) .....

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 premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

O

Hours premises are open to the public
Standard days and timings
(please read guidance note 6)

Day	Start	Finish
Mon	05:00	23:00
Tue	05:00	23:00
Wed	05:00	23:00
Thur	05:00	23:00
Fri	05:00	04:00
Sat	05:00	04:00
Sun	05:00	23:00

State any seasonal variations (please read guidance note 4)

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 (please read guidance note 5)

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

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

Please see attached Operating Schedule.

b) The prevention of crime and disorder

Please see attached Operating Schedule.

c) Public safety

Please see attached Operating Schedule.

d) The prevention of public nuisance

Please see attached Operating Schedule.

e) The protection of children from harm

Please see attached Operating Schedule.

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☑
- I have enclosed the plan of the premises ☑
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☑
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☑
- I understand that if I do not comply with the above requirements my application will be rejected ☑

IT IS AN OFFENCE, LIABLE ON 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 4 - Signatures (please read guidance note 10)

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

Signature Shoosmiths

Date 30th March 2012

Capacity Solicitor / Authorised Agent for the Applicant

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13) Shoosmiths The Lakes	
Post town Northampton	**Post code** NN4 7SH
Telephone number (if any) Direct Dial : 03700 863086	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police force to prevent crime and disorder.

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. The CCTV equipment will be of a standard suitable to record images of a proper quality, it will meet the industry standard and will have Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

At this restaurant all shift running managers have safety and security training.

Public Safety

This restaurant has safety systems in place to protect the safety of customers and staff at all times. These systems are regularly reviewed and updated where appropriate. In line with current legislation all our restaurants are routinely inspected by the local Environmental Health Office and we work with them and the local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff are required to attend comprehensive safety training to ensure that safe working methods are adopted and all staff are trained in evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area. Emergency contact mobile telephone numbers are listed in the Business Manager's office.
This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

Public Nuisance

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. These patrols collect McDonald's packaging and other litter within a certain radius of the restaurant. All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable. Our pioneering stance on litter patrols has meant working on a project with DEFRA, in

which we piloted 'reducing litter caused by food on the go', a voluntary code of practice for local partnerships. A copy of which can be found at:
www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf
Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:
http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml

We also have measures in place to limit noise. Our doors are self closing and we try to encourage our customers to be considerate to our neighbours and limit noise both when ordering their food and on leaving the local area.

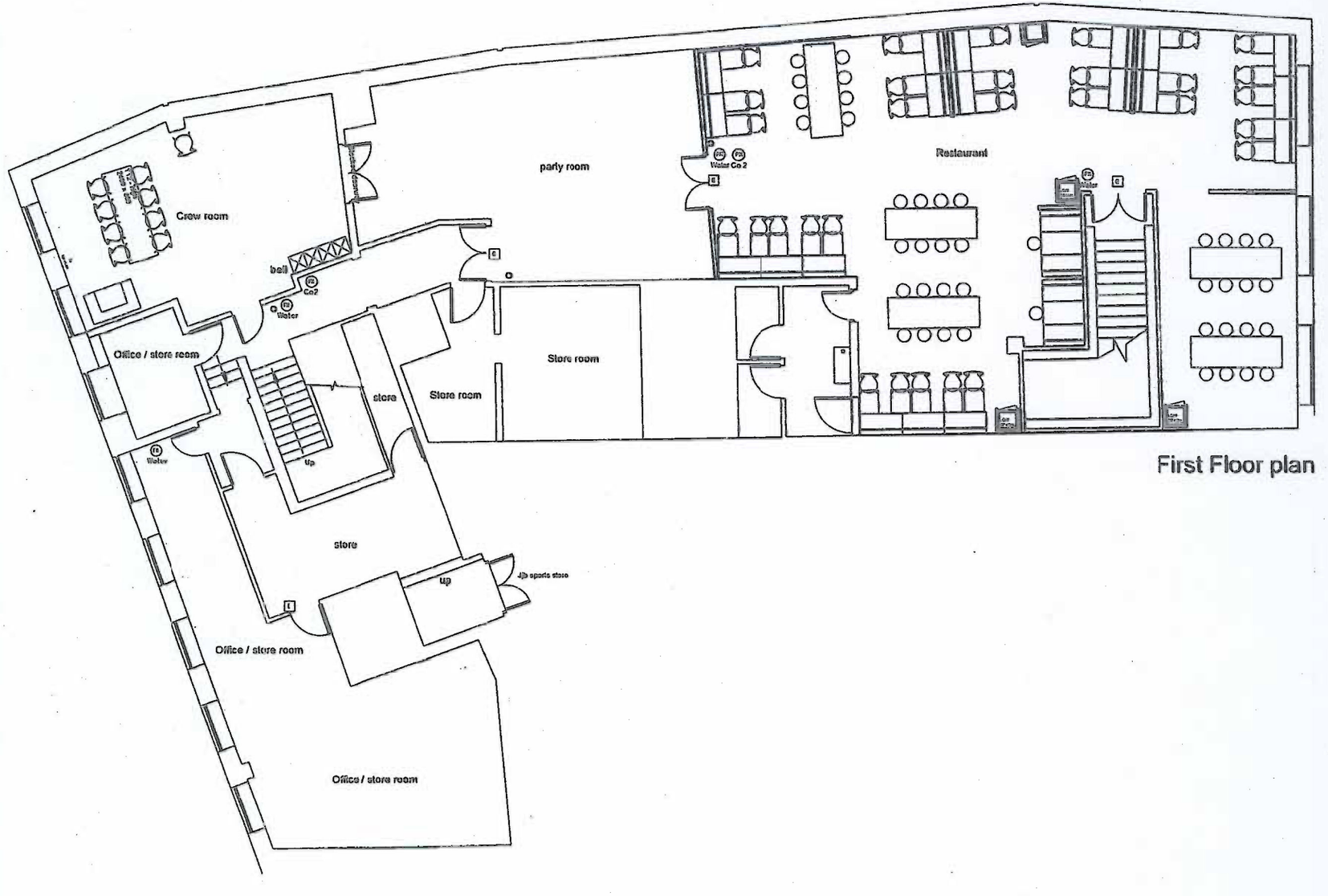
The Protection of Children From Harm

McDonald's do not anticipate that children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

All of our restaurant staff are required to attend comprehensive safety training.

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 the 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.



First Floor plan

McDonald's

FIRE SAFETY EQUIPMENT

- Fire Extinguisher (Water)
- Fire Extinguisher (Powder)
- Fire Extinguisher (Co 2)
- Fire Extinguisher (Foam)
- Fire Exit
- Fire Blanket
- Fire alarm call point (Break Glass)
- Fire Bell / Siren (Bell)

Note:
All fry stations have automatic fire suppression devices fitted.

Licensable activity:
Sale of Hot food & Drink after 11pm.

Rev.	Date.	Amendments

0136 Hereford

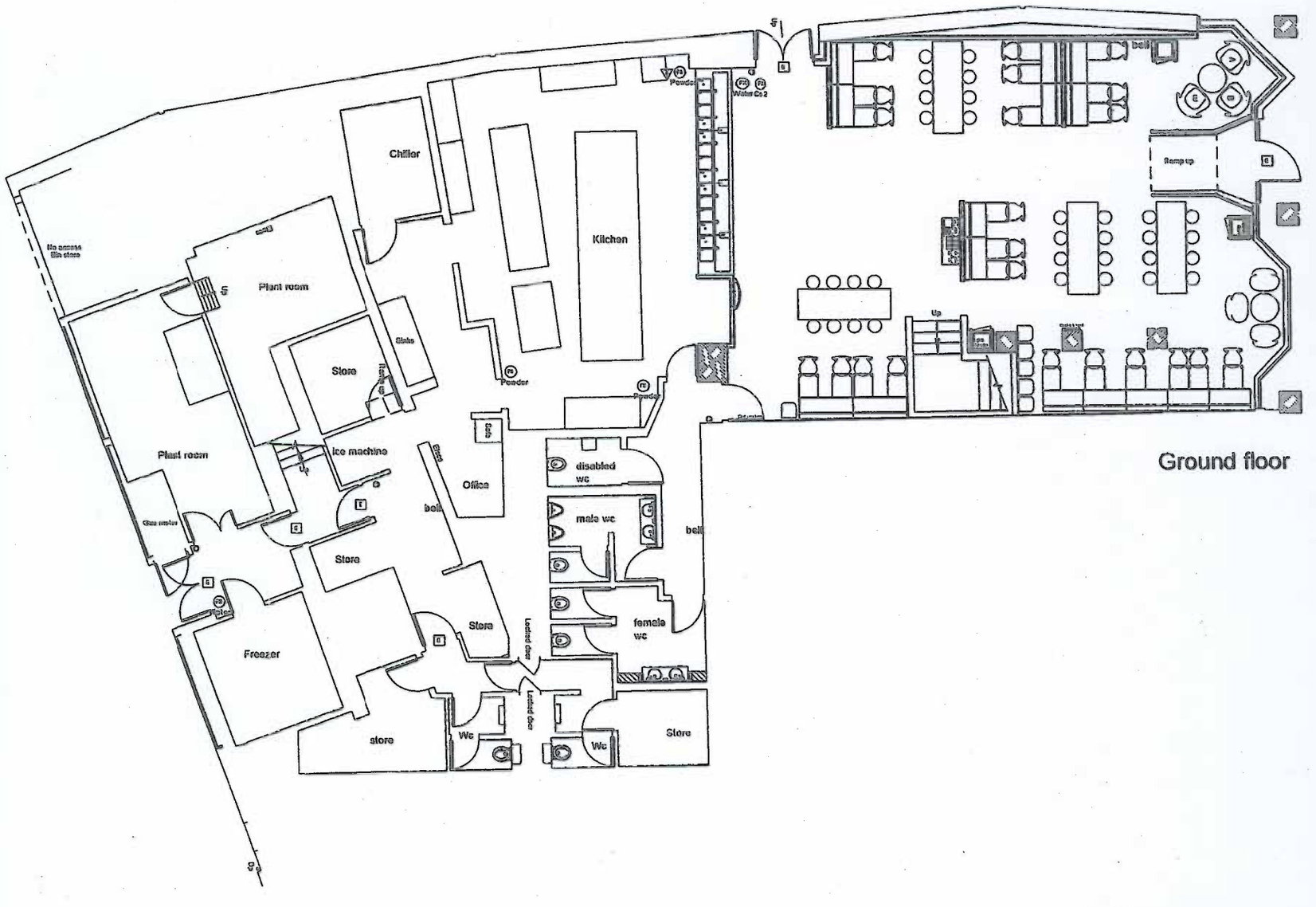
46 Commercial Street
Hereford
Herefordshire
HR1 2DJ

01432 269269

First Floor plan
(For Licencing)

Date	Drawn	Checked
Mar 2012	C.T.S.G.	Arch

Scale	Size	Drwg. No.	Issue
1:100@A3		U0136/001	001



McDonald's

FIRE SAFETY EQUIPMENT

- Fire Extinguisher (Water)
- Fire Extinguisher (Powder)
- Fire Extinguisher (Co2)
- Fire Extinguisher (Foam)
- Fire Exit
- Fire Blanket
- Fire alarm call point (Break Glass)
- Fire Bell / Siren (Bell)

Note:
All fry stations have automatic fire suppression devices fitted.

Licensable activity:
Sale of Hot food & Drink after 11pm.

Rev.	Date.	Amendments

0136 Hereford

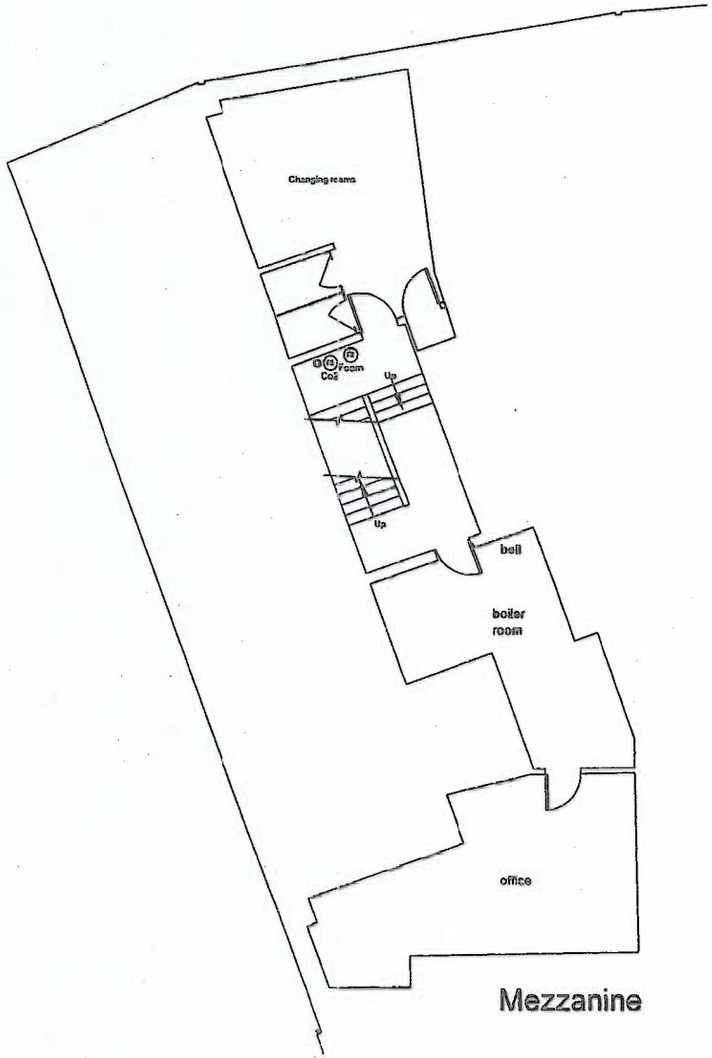
46 Commercial Street
Hereford
Herefordshire
HR1 2DJ

01432 269269

Ground floor plan
(For Licencing)

Date	Drawn	Checked
Mar 2012	C.T.S.G.	Arch

Scale	Size	Job No.	Issue
1:100@A3		L/0136/001	001



Mezzanine

McDonald's

FIRE SAFETY EQUIPMENT

- Fire Extinguisher (Water)
- Fire Extinguisher (Powder)
- Fire Extinguisher (Co 2)
- Fire Extinguisher (Foam)
- Fire Exit
- Fire Blanket
- Fire alarm call point (Break Glass)
- Fire Bell / Siren (Bell)

Note:
All fry stations have automatic fire suppression devices fitted.

Licensable activity:
Sale of Hot food & Drink after 11pm.

No.	Date	Amendments

Project

0136 Hereford

46 Commercial Street
Hereford
Herefordshire
HR1 2DJ

01432 269269

Title

Mezzanine Floor plan
(For Licencing)

Date	Drawn	Checked
Mar 2012	C.T.S.G.	Arch

Scale	Paper	Drwg. No.	Issue
1:100@A3		L/0136/001	001

[redacted]

[redacted]

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

9th. April, 2012.

Dear Sir / Madam,
Re. Application from Kemco (Hereford) Ltd. t/a. McDonalds concerning 46, Commercial Street, Hereford, HR1 2DJ.

Being both residents of Commercial Road and a proprietor of a business at the same address, we wish to make representation against the above license application involving late night and early morning weekend opening hours.

The grounds of objection to such an licensing extension in the immediate vicinity of our premises are based on a history of late night trading and the related noise problems arising at a time when working people are trying, not unreasonably, to enjoy an undisturbed night's rest.

Since the restrictions on early morning hot food sales have been implemented, this problem has eased somewhat in recent times, but anything that will alter the status quo can only lead to the resurrection of the previous problems. Of particular concern relates to the inevitable increase in use of the taxi ranks, one directly outside our living accommodation and the other directly opposite these premises, in the hours towards dawn, with the attendant incidence of noise and litter and anti-social behaviour.

There also exists the almost inevitable conclusion that other applications from the outlets that surround here will be made, if this application is granted.

We would ask you to give serious consideration to the above objections.
Yours faithfully,

[redacted] [redacted]

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 19 April 2012 10:48
To: Licensing; Spriggs, Fred; Poole, Ady
Cc: Taylor,Martin (Insp); Whitchurch,Neil
Subject: McDonalds Restaurant, Commercial Street, Hereford

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location called **McDonalds Restaurant, Commercial Street, Hereford**. The applicant seeks to licence late night refreshment on Friday and Saturday evenings up and until 0400hrs.

West Mercia Police object to this application based on the licensing objectives and in particular those of the prevention of crime and disorder and the prevention of nuisance. In addition West Mercia Police object to the application based on Annex 1 of Herefordshire Council Licensing Policy 2011-13. This concerns the 'special cumulative impact policy'. It is the view of West Mercia Police that this application will have a detrimental effect on the licensing objectives through the cumulative impact on the licensing objectives.

It is for the Licensing Authority to decide whether this application should be progressed, however based on their own licensing policy this application should be rejected where relevant representations' are made.

If this matter is to be progressed West Mercia Police will provide all necessary supporting evidence to support their position prior to any potential hearing.

Regards,

Jim Mooney
Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmercia.pnn.police.uk

Review of Night-time Economy in and around the Hereford city Cumulative Impact Zone for Licensing purposes May 2012

For the purposes of this report West Mercia Incident and Crime systems have been trawled for incidents and crimes of; **anti-social behaviour (ASB), assault, criminal damage, disorder, concern for safety (alcohol related), sexual crime, robbery and drug offences** within the area defined as **Commercial Road, Blueschool Street, Bath Street, Commercial Street, Commercial Square and Union Street** in Hereford city. Incidents and crimes located at the police station have been removed.

Between 1 April 2010 and 31 March 2012 there were 1669 relevant incidents (as defined above) and 587 relevant crimes.

Of the 1669 incidents 793 were alcohol related (48 percent), 1081 occurred on Fridays, Saturdays and Sundays (65 percent). Of the Friday to Sunday incidents 52 percent were related to alcohol (n=564).

This table shows how many incidents were recorded by hour; red denotes more than 50 incidents for that hour. Note how the number of incidents drops sharply after 03:59 hrs.

Fig. 1 Relevant incidents by hour and day

	Day							
Hour	**Sun**	**Mon**	**Tue**	**Wed**	**Thu**	**Fri**	**Sat**	**Grand Total**
0	64	33	9	9	15	25	63	**218**
1	78	19	6	8	15	24	57	**207**
2	69	16	8	2	5	15	61	**176**
3	60	5	1		1	25	55	**147**
4	13	2	2	1		6	7	**31**
5	2	1			1		4	**8**
6	2				1	1	2	**6**
7		1		2		2	2	**7**
8	1		3			2	2	**8**
9	3	4	3	3	6	2	3	**24**
10	3	11	5	4	2	3	2	**30**
11	6	6	4	6	3	5	4	**34**
12	5	6	9	5	8	8	2	**43**
13	3	3	3	8	6	7	7	**37**
14	4	4	4	7	4	12	9	**44**
15	6	7	5	3	6	7	4	**38**
16	7	7	15	10	5	6	10	**60**
17	7	10	7	8	5	7	8	**52**
18	5	8	5	5	6	5	10	**44**
19	8	8	9	10	10	7	9	**61**
20	6	4	7	5	6	8	11	**47**
21	13	10	8	8	6	11	19	**75**
22	21	11	11	12	8	15	25	**103**
23	22	15	8	13	17	49	45	**169**
Grand Total	**408**	**191**	**132**	**129**	**136**	**252**	**421**	**1669**

Of the 1669 incidents recorded, 72 percent were between the hours of 19:00 and 04:00 (n=1203). This rose to 80 percent for the Friday to Sunday incidents (n=865).

On Fridays, Saturdays and Sundays 82 percent of the incidents occurring between 19:00 and 04:00 occurred within the shorter timeframe of 23:00-

04:00 timeframe (n=712). That is two thirds of all incidents occurring between Friday and Sunday (n=1081).

Fig. 2 Relevant crimes by hour and day (red denotes >20 per hour)

	Day							
Hour	**Sun**	**Mon**	**Tue**	**Wed**	**Thu**	**Fri**	**Sat**	**Grand Total**
0	35	8	2	2	4	7	39	97
1	46	9	4	6	1	7	16	89
2	33	4	1		3	11	27	79
3	34	1	1	1		12	21	70
4	3			1	1	2	2	9
5								
6								
7		1						1
8							1	1
9				1		4		5
10		1	2		1	1		5
11		1	1				1	3
12	1		2	1	2	3	1	10
13			1	1	2		2	6
14		2		1	2	2	1	8
15	3	5	3	2		3	1	17
16	1	1	3		2	1	1	9
17		1	2	1		3	4	11
18	1	1	1	1	3	4	5	16
19	3	3		3	2		2	13
20	3	1		1			4	9
21	3		2	1	2	2	7	17
22	7	2	1	2	7	6	13	38
23	12	6	2	6	6	20	22	74
Grand Tot	185	47	28	31	38	88	170	587

There were 587 relevant crimes in the area during the period. The above table shows that the same pattern of higher numbers occurring in the early hours Friday to Sunday, dropping sharply after 03:59 hrs is also true for relevant crimes reported in the area.

75 percent of offences occurred between 19:00 and 04:00 between Friday and Sunday (n=443). Nearly 60 percent of all offences occurred in the shorter timeframe of 23:00 to 04:00 Friday to Sunday (n=342).

Fig. 3 Top relevant incident types (all times and days)

Incident Type	Number
ASB (all primary results beginning AS)	967
Assaults	231
Concern for Safety	201
Criminal Damage	94
Public Order Offence	79
Collapse - Illness - Injury	62
Drug Offences	20
Sexual Offences	9
Robbery	4
Licensing	2
Grand Total	**1669**

Fig. 4 Top 10 relevant crime types (all times and days)

Short Offence Title	Number
Assault (ABH)	161
Using Disorderly Behaviour	86
Common Assault	53
Criminal Damage (not dwell under £5000)	42
Malicious Wounding	27
Fear or Provocation of Violence (S4)	24
Criminal Damage (veh under £5000)	21
Criminal Damage (other under £5000)	20
Affray	19
GBH (w/o intent)	14

McDonalds
60 incidents occurred at or outside McDonalds, Commercial Street. 60 percent of these occurred between Friday and Sunday (n=36). 58 percent of Friday to Sunday incidents occurred between 19:00 and 04:00 (n=21), 19 percent occurred between 23:00 and 04:00 (n=7).

The main incident type was ASB: 39 incidents (65% of all 60 incidents).

During the period there were 13 relevant offences at McDonalds. Half of these were on Saturdays and Sundays (n=7) all of these were between 19:00 and 04:00.

The main crime type was Assault (ABH): 4 offences with one further offence of Common Assault and one of Malicious Wounding.

The Lunchbox
31 incidents occurred at or outside The Lunchbox, Commercial Road. 77 percent of these were on Fridays, Saturdays and Sundays (n=24), 79 percent of these were between 19:00 and 04:00 (n=19), almost all of these were in the shorter 23:00 to 04:00 time frame (n=18).

The main incident type was ASB: 17 incidents (55%).

During the period there were nine relevant offences at The Lunchbox. All of these offences occurred Friday to Sunday between 01:00 to 04:00.
There were three criminal damage offences, three assault offences and three offences related to disorder.

Mr Chips
26 incidents occurred at or outside Mr Chips, Commercial Road, 81 percent of these occurred Friday to Sunday (n=21), of these almost all were between 23:00 and 04:00 (n=20).

The main incident type was ASB: 18 incidents (69%).

During the period there were two relevant offences at the location, a criminal damage offence and an assault, both in the early hours.

Subway
24 incidents occurred at or outside Subway, Commercial Street, 75 percent of these occurred Friday to Sunday (n=18), 13 of these were between 19:00 and 04:00 (72%) with 12 between 23:00 and 04:00.

The main incident type was ASB: 16 incidents (67%).

There were eight offences in the period at Subway, three Assault (ABH), one Attempt GBH and four disorderly behaviour. All occurred in the early hours of Saturdays and Sundays.

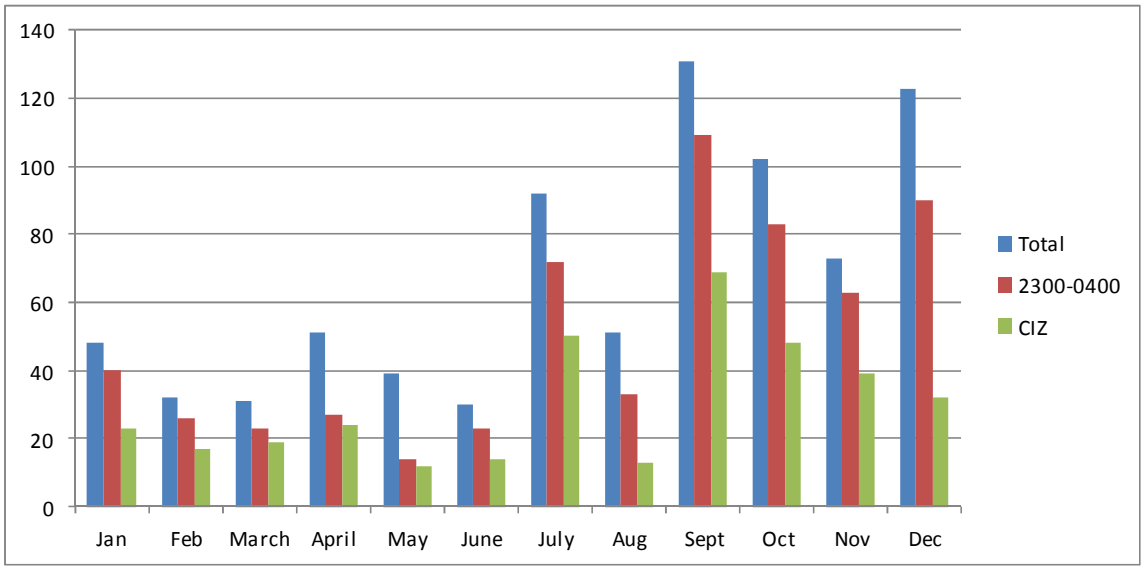
Golden Galleon
10 incidents were reported at or outside Golden Galleon, Commercial Road, 40 percent between Friday and Sunday, all between 19:00 and midnight.

The main incident type was ASB: 7 incidents (70%).

There were four offences (all on a Monday) all between 23:00 and 01:00, two offences of assault and two of disorderly behaviour.

S27 Violent Crime Reduction Act – dispersal notices

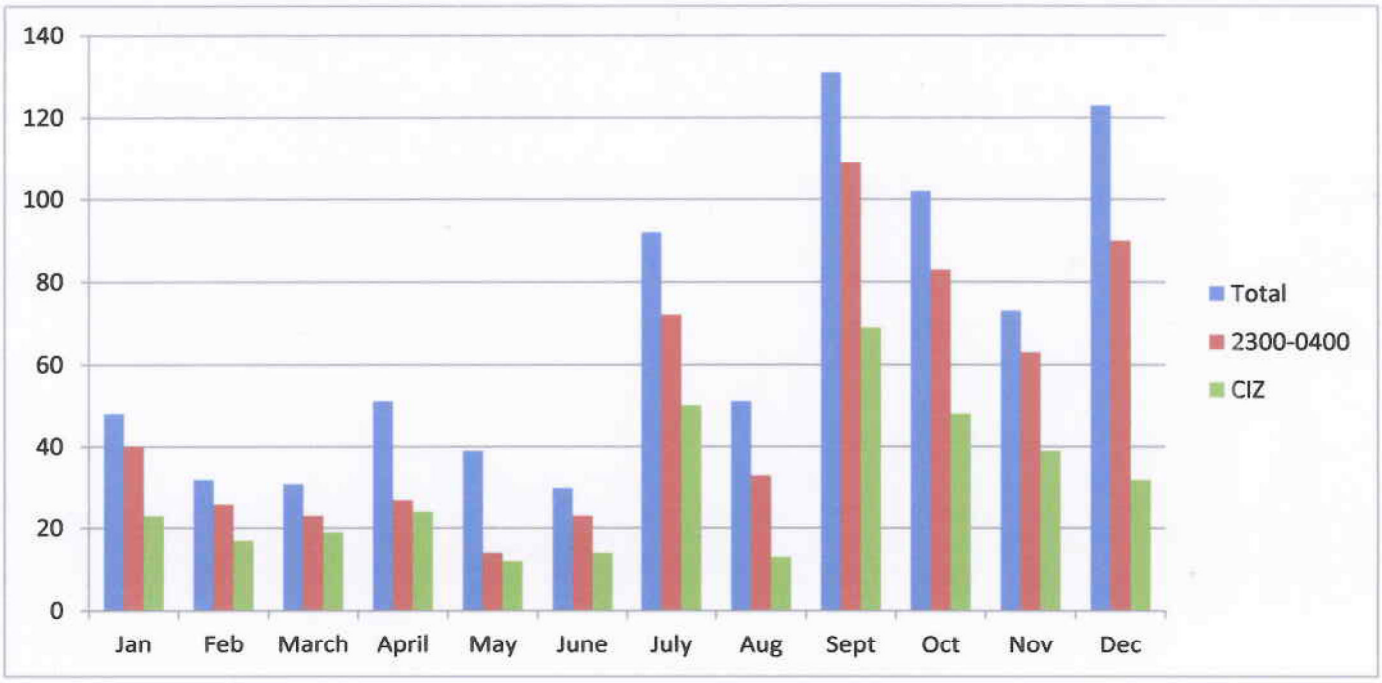
In or near the vicinity of the Hereford city centre
'CIZ' – cumulative impact zone – Hereford city centre (Commercial Rd/Sq/St; Blueschool St; Widemarsh St (part); Union St; Bath St.)



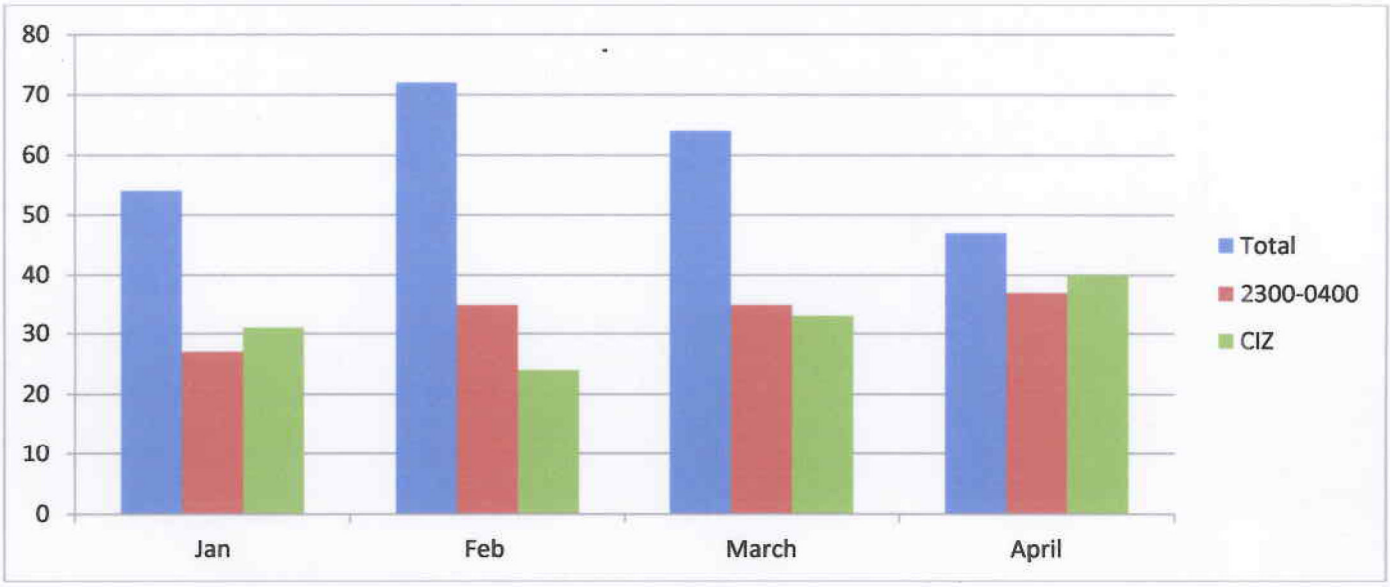
S27 Dispersal Notices
Herefordshire TPU - totals

Jan- Dec 2011

CIZ – cumulative impact zone – Hereford city centre



Jan- April 2012



These pages deal with the special policy which affects Hereford City Centre.

ANNEX 1

SPECIAL CUMULATIVE IMPACT POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,

- Regulated entertainment, and
- The provision of late night refreshment

All Violent Crimes Recorded 2009/10 - Public Place ONLY, by Weekday – Commercial Road Area All Offence Groups, Public Place Only				
	Alcohol Involved?			% Alcohol Related
	N	Y	Grand Total	
Monday	39	20	59	33.9%
Tuesday	43	24	67	35.8%
Wednesday	56	28	84	33.3%
Thursday	32	28	60	46.7%
Friday	55	56	111	50.5%
Saturday	47	98	145	67.6%
Sunday	33	79	112	70.5%
Grand Total	305	333	638	52.2%