

AGENDA

Regulatory Sub Committee

Date: **Tuesday 14 August 2012**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor BA Durkin
Councillor JW Hope MBE
Councillor RC Hunt**

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.	
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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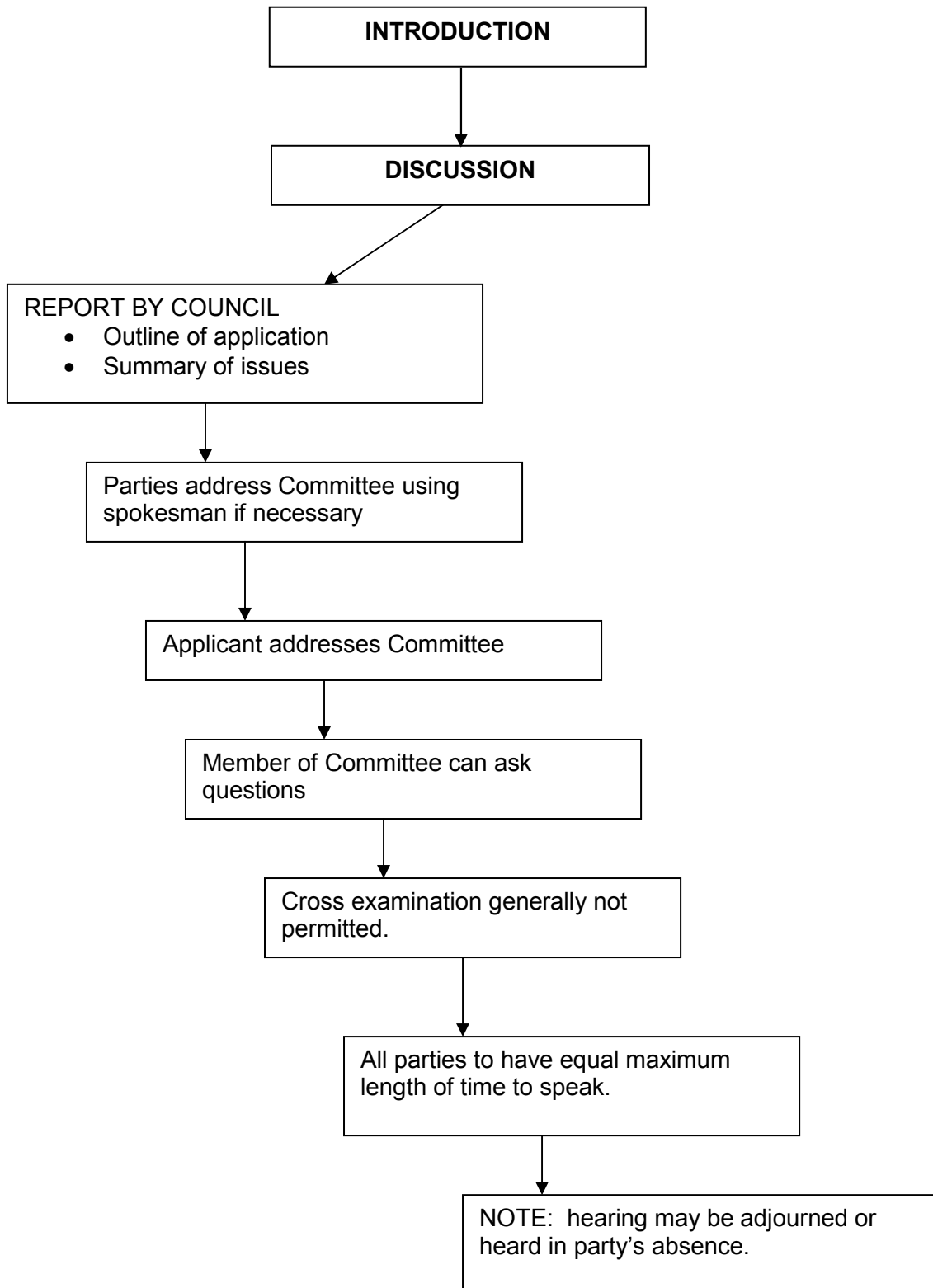
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14 AUGUST 2012
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE 'WORMELOW CRICKET CLUB, KENNEL FIELD, WORMELOW, HR2 8EJ' – LICENSING ACT 2003
PORTFOLIO AREA:	PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Pontrilas

Purpose

To consider an application for the grant of a premises licence in respect of 'Wormelow Cricket Club, Kennel Field, Wormelow, HR2 8EJ'.

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)** relevant representation from members of the public

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	Wormelow Cricket Club Kennel Field, Wormelow, Hereford, HR2 8EJ.	
Representative	Nil	
Type of application: New Application	Date received: 19/06/2012	28 Days consultation 17/07/2012

4 Licence Application

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

5 Summary of Application

- 5 The application requests that the premises be licensed as follows:

Live Music & Anything Similar to Live & Recorded Music (Both indoors and outdoors),
Recorded Music (Indoors), Supply of Alcohol (On premises)

All days: 11:00 – 23:00

Non Standard Timings:

Live Music, Recorded Music, Anything Similar to Live & Recorded Music, Supply of Alcohol
New Years Eve 11:00 – 01:00

6 Summary of Representations

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

Key Considerations

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

Community Impact

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

Legal Implications

- 9 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.

- 10 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: -

- 11 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.

- 12 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.

- 13 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.

- 14 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).

15 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

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

17 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.

18 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.

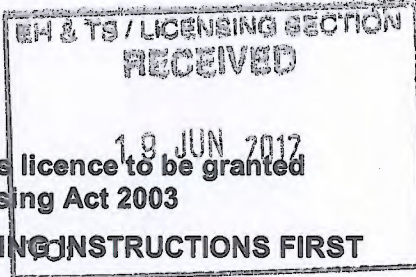
19 The applicant has produced a copy of the advertisement which is only correct in part. There is no reference made to any of the licensable activities being outdoors.

Appendices

20 a. Application Form
b. Public Representations

Background Papers

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



**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 WORMELOW CRICKET CLUB
(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 Wormelow Cricket Club Kennel Field Wormelow			
Post town	Hereford	Post code	HR2 8EJ

Telephone number at premises (if any)	NONE
Non-domestic rateable value of premises	£0

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

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 Wormelow Cricket Club
Address Kennel Field Wormelow Hereford HR2 8EJ
Registered number (where applicable) N/A
Description of applicant (for example, partnership, company, unincorporated association etc.) Cricket Club
Telephone number (if any) NONE
E-mail address (optional) NONE

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
1	5	0	7	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	

Please give a general description of the premises (please read guidance note1)
 The bar will be positioned in the one storey structured pavilion in the kitchen area.
 The premises will be used as a Bar as well as a Tea Room
 Located away from residential dwellings.
 Area of consumption of alcohol to be on the premises, and indicated by red line on plan (to be submitted with licence application).
 Cricket Club is located on private property and enclosed by a hedge and fence boundary.
 The club does not intend to carry out the licensable activities on a day-to-day basis, it is merely to provide flexibility in the times the licensable activities can be carried out. This will be predominantly during summer seasonal periods with infrequent usage during the rest of the year.

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

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

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

- | <u>Provision of regulated entertainment</u> | 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 checked="" 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 checked="" type="checkbox"/> |
|
<u>Provision of entertainment facilities:</u> | |
| 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"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box M) | <input checked="" type="checkbox"/> |

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (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	<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 the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

C

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	23.00	<u>Please give further details here</u> (please read guidance note 3) Very occasional live music as part of fund raising activities for the club. This is likely to be unamplified.	Both	<input checked="" type="checkbox"/>
Tue	11.00	23.00			
Wed	11.00	23.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	11.00	23.00			
Fri	11.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve - 11:00 - 01:00 New Years Day		
Sat	11.00	23.00			
Sun	11.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	23.00	<u>Please give further details here</u> (please read guidance note 3) Will be kept to a reasonable level so as not to be a public nuisance. Level to be monitored and controlled by bar staff.	Both	<input type="checkbox"/>
Tue	11.00	23.00			
Wed	11.00	23.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11.00	23.00			
Fri	11.00	23.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve - 11:00 - 01:00 New Years Day		
Sat	11.00	23.00			
Sun	11.00	23.00			

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	<input type="checkbox"/>
				Outdoors	<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 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)			<u>Please give a description of the type of entertainment you will be providing</u> Anything required in relation to live and recorded music.		
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	11:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	11:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00	<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)		
Sat	11:00	23:00	<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) New Years Eve - 11:00 - 01:00 New Years Day		
Sun	11:00	23:00			

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				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
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"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
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 entertainment 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	<u>Will the entertainment facility be 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 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"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
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	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	23.00			
Fri	11.00	23.00			
Sat	11.00	23.00			
Sun	11.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve - 11:00 - 01:00 New Years Day		

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

Name Tom Bevan	
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)

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	11:00	23:00	<p><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) New Years Eve - 11:00 - 01:00 - New Years Day</p>
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	

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)

All activities will be run in accordance with the terms of the licence. The safety of the public is paramount.

b) The prevention of crime and disorder

PC 4 An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

PC 8 All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

c) Public safety

PS4 First aid

A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

d) The prevention of public nuisance

EPN2 Noise or vibration shall not emanate from the premises so as to cause a nuisance.

PN3 The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

PN6 Any speaker within the premises shall be directed away from any residential property.

PN10 Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least once an hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

PN15 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

PCH2 The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

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

PCH3 No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

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	[REDACTED]
Date	18/06/2012
Capacity	

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	18/06/2012
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

MR TOM BEVAN

[REDACTED]

Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

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.



**HEREFORDSHIRE
COUNCIL**

**Form of consent given by the person whom the applicant wishes to be the
premises supervisor**

**I, TOM BEVAN hereby consent to being named as the premises supervisor in a
new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to
WORMELOW CRICKET CLUB where the holder of the licence has consented to
the application being made by the applicant WORMELOW CRICKET CLUB if that
application is successful.**

Signed _____

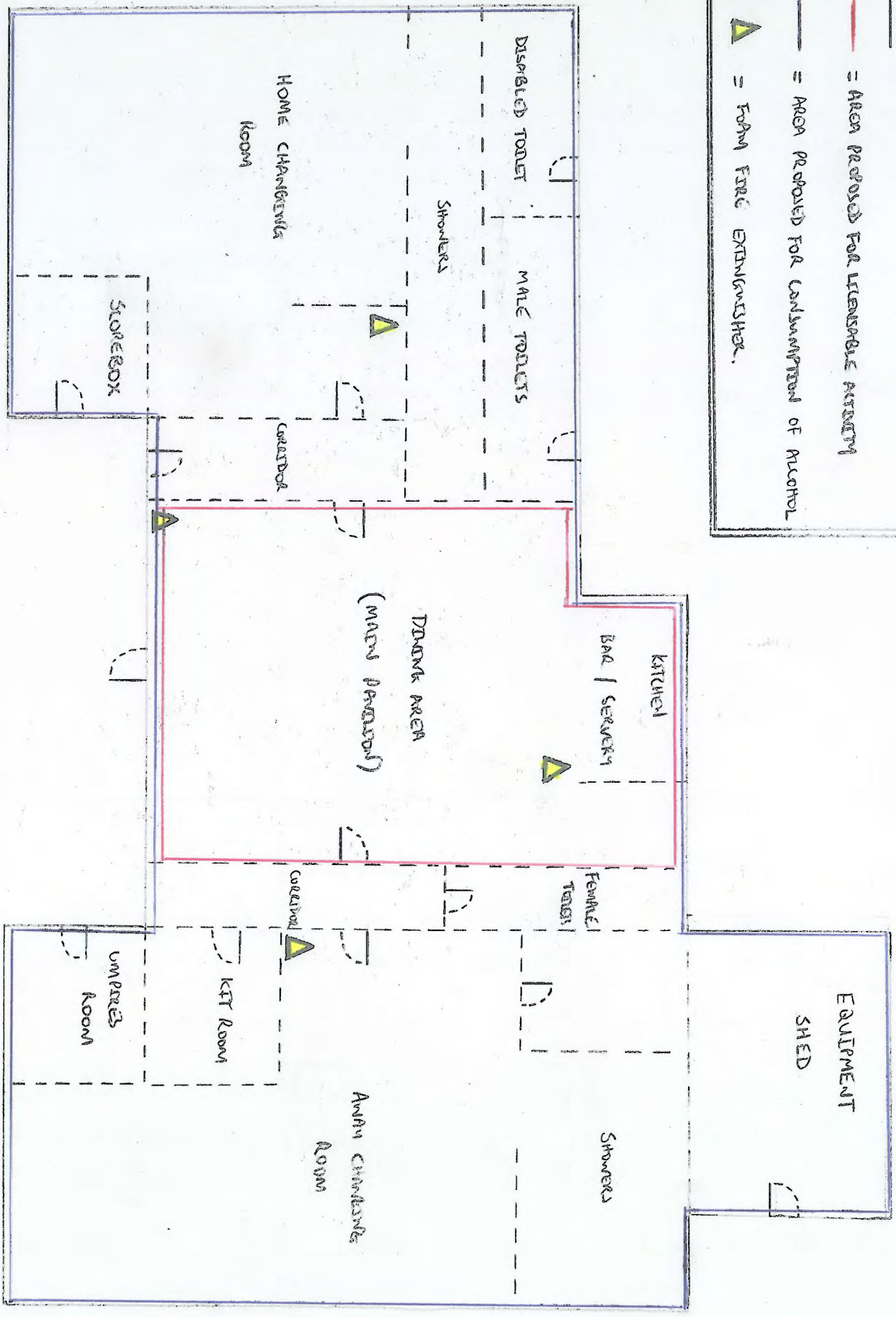
[Redacted signature]

Dated _____

13-06-2012.

KEY:

- = AREA PROPOSED FOR LICENSEABLE ACTIVITY
- = AREA PROPOSED FOR CONSUMPTION OF ALCOHOL
- ▲ = FORM FIRE EXTINGUISHER.





Key

— = Area proposed for the consumption of alcohol

— = Area proposed for licensable activity

→ Toilets

→ Tea Room / Bar

→ Cricket Pavilion

HER & TO / LICENSING SECTION
RECEIVED
 09 JUL 2012

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

Please return this form, and any additional information within the statutory period to:
The Licensing Section,
 County Offices,
 PO Box 233,
 Bath Street, Hereford,
 HR1 2ZF
 licensing@herefordshire.gov.uk

REPRESENTATION FORM – INTERESTED PARTIES

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.
 When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No.: [REDACTED]
Address: [REDACTED]	E-mail address:
Please state your interest in the premises you are making a representation about: eg local resident/local business local resident.	
Name & Address of premises you are making a representation about: WORMELOW CRICKET CLUB KENNEL FIELDS. WORMELOW.	

DATA PROTECTION ACT 1998. Please indicate by ticking here if you are not content for your personal details to be circulated as necessary prior to any hearing .
 A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance PLEASE SEE ATTACHED NOTES
To Protect Children from Harm

Signed: [REDACTED]
 Date: 05- JULY- 2012

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

Re: Premises Licence for Wormelow Cricket Club (18th June 2012)

The Cricket Club is an asset to the local community, and there is no objection to the licence in general.

There are potential points for concern and these have, apparently been recognised in the application, under Public Nuisance objective.

Elive music as part of fund raising activities.....

Fplaying of recorded music.....will be kept to a reasonable level so as not to be a public nuisance. Level to be monitored and controlled....

The actions to be taken on the above are shown to be :-

EPN2 Noise and vibration shall not emanate from the premises so as to cause a nuisance.

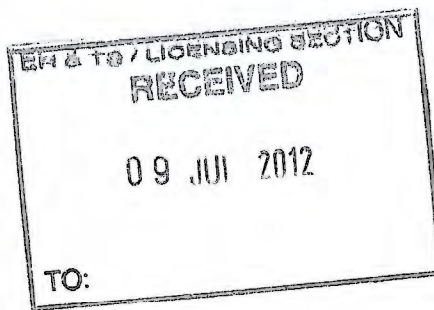
PN6 Any (loud)speaker within the premises shall be directed away from any residential property.

PN10responsible person.....will monitor noise emanating from the premises at least once an hour to ensure that no noise nuisance is being caused, and where there is, shall cause the noise to be reduced.

General: 1) it appears that most of the music will be broadcast on the outside of the building.

2) the plan, on the application, shows the Tump Inn to be south-west of the cricket field – it is to the north, and Tump Lane housing, abutting the north end of the field, has been omitted !!





8th July 2012

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



Dear Sir or Madam

REF: WORMELOW CRICKET CLUB LICENSE APPLICATION

We are writing to strongly object to the application by the Wormelow Cricket Club for a licence for music and the supply of alcohol.

The cricket club is in the heart of the village very close to residential housing (see attached map).

[REDACTED]

[REDACTED]

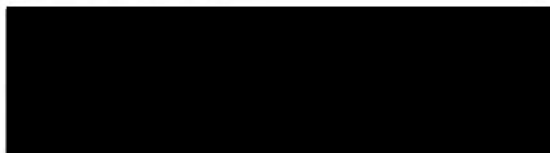
We do not object to the sale of alcohol so long as it does not result in noise or rowdy behaviour, we are however very concerned about the prospect of loud live or recorded music potentially twelve hours a day every day of the year.

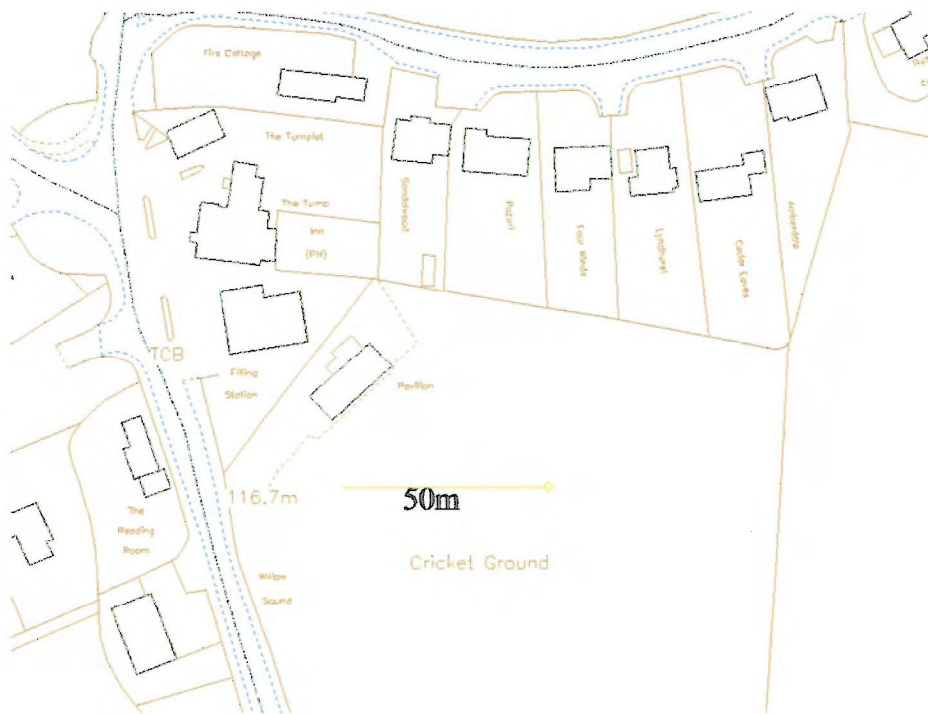
Last New Year's Eve the function at the cricket club continued until 1 o'clock in the morning. The music was so loud that we could hear every word of every song for the two hours we lay in bed waiting for it to finish. We tried calling the organiser to ask for the noise to be turned down but her mobile was turned off and she has never returned our call.

[REDACTED] residents bordering the cricket pitch being elderly and therefore unlikely to be attending the functions.

We hope that you take our concerns into account when making your decision.

Yours faithfully,





MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14 AUGUST 2012
TITLE OF REPORT:	FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW IN RESPECT OF: EUROPEAN FRESH FOODS, 141 – 143 EIGN STREET, HEREFORD, HR4 0AJ
PORTFOLIO AREA:	PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

St Nicholas

Purpose

To consider a Full Review of a premises licence following an Expedited Review in respect of: European Fresh Foods, 141 - 143 Eign Street, Hereford, HR4 0AJ.

Key Decision

This is not a Key Decision.

Recommendation

THAT the Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

Key Points Summary

- Application for the Expedited Review received on 23rd July 2012.
- Interim Steps hearing held on 25th July 2012.
- Decision of committee to suspend licence pending the full review.

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

Options

- 1 There are a number of option open to the committee:
 - the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003 and the Crime & Disorder Act 2006.

Background Information

- 3 The powers to call for an Expedited review are contained in Section 53A of the Licensing Act as amended by the Violent Crime Reduction Act 2006. The powers allow;
 - The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
 - The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 4 The expedited review hearing was held on 25th July 2012 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing it was decided that the premises licence should be suspended forthwith. At that time the premises licence holder Mr Mohammed was not present.
- 5 A copy of the decision notice was served on the premises the premises licence holder on 26th July 2012 by 1st Class post to the address for the premises licence holder.
- 6 A notice of the full review was placed on the premises as required by law.
- 7 **Current Licence**
The current licence authorises the following licensable activities during the hours shown: -

Sale by retail of alcohol Monday-Sunday: 08:30 - 21:00
- 8 The grounds for the review are contained in Appendix 1 and 2 of the background papers.

9 **Representation**

Copies of the application and certificate have been sent to the responsible authorities.

At the time of writing this report a representation had been received from Trading Standards.

Key Considerations

10 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

11 Any decision is likely to have very little impact of the community.

Legal Implications

12 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

13 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

Consultees

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

15 The notice of review was displayed on the premises which invited representation between 24th July to 6th August 2012. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 16
- a. Application Form for Expedited Review
 - b. Certificate
 - c. Decision notice following interim steps

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.

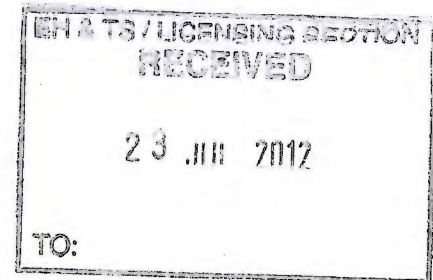
FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Herefordshire Council Licensing Authority

PO Box 233

Hereford. HR1 2ZF



Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I **James Mooney** [on behalf of] the chief officer of police for the **West Mercia** police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**European Fresh Foods
141-143 Eign Street**

Post town: Hereford

Post code (if known): **HR4 0AJ**

2. Premises licence details:

Name of premises licence holder (if known): **Bakhtyar Khedin Mohammed**

Number of premises licence holder (if known): **PRO1525**

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The premises is a small convenience store near to Hereford city centre. It is a new store and has been open for less than 6 months. As such the premises has new conditions attached to it which are appropriate and necessary for the premises and are both achievable and enforceable.


At about 1830hrs on Saturday 21 July 2012, the premises were visited by officers from Herefordshire Council Trading Standards and West Mercia Police as part of a joint operation to 'test' the age verification procedures that were in place with regards to the sale of age restricted goods.

A sale of 4 cans of lager was made to two young people aged 14 and 15. No relevant checks were made at the time to establish their age.

Whilst at the premises, the nationality and employment status was made with regards to the member of staff who made the sale. On his own admission he stated he was an illegal immigrant. Using relevant powers, a search was made of the premises and 3 boxes of vodka and in the region of 3000 cans of lager were found. It is believed that all these items have not been subject to UK taxes and duty payment. The alcohol sold was the same brand as the items seized.

The employment of illegal immigrants and the sale of smuggled alcohol is viewed by the Secretary of State as particularly serious criminal activity.

It is the view of West Mercia Police that these matters are serious crime issues and therefore the premises are connected with serious criminal activity.

Signature of applicant 
Date: 23/7/12
Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address:
Hereford Police Station
Bath Street
Hereford. HR1 1HT

Telephone number(s): 01432 347102

Email: james.mooney@westmercia.pnn.police.uk

Notes for guidance:

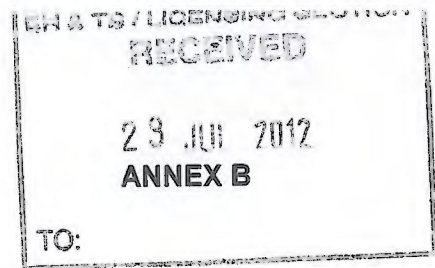
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



West Mercia Police
Herefordshire Territorial Policing Unit
Bath Street
Hereford

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:
European Fresh Foods
141-143 Eign Street
Hereford. HR4 0AJ

Premises licence number (if known): PRO1525

Name of premises supervisor (if known): Bakhtyar Khedir Mohammed

I am a Superintendent Charles HILL³ in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The premises are a small convenience store near to the main shopping area of Hereford. On Saturday 21 July 2012, a joint Herefordshire Trading Standards and West Mercia Police 'test purchase' operation took place. This premises were visited and a sale of alcohol was made to two young people aged 14 and 15.

Whilst at the premises the employment and nationality status of the staff member who made the sale was undertaken was checked. He stated he was an illegal immigrant and had no employment status to work in this country. He was detained by the police. Additionally a search was made of the premises and

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

3 boxes of vodka and in the region of 3000 cans of lager were seized as suspected of being non UK duty paid. This was further supported by invoices that had the delivery company details removed.

The sale of non duty paid goods and the employment of illegal immigrants is viewed by the Secretary of State as serious issues and as such the standard review process is not appropriate in these circumstances.

[Redacted signature]

23 7 / 12

(Signed)

(Date)

MEMORANDUM

To : **LICENSING OFFICER**

From : **David Hough Trading Standards**

Tel : **01432 260011** My Ref :

Date : **30th July 2012** Your Ref :

**LICENSING ACT 2003
APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE
EUROPEAN FRESH FOODS, 141-143 EIGN STREET, HEREFORD**

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE	
<p>PROTECTION OF CHILDREN FROM HARM</p> <p>Trading Standards Have a responsibility to ensure children are protected from harm of alcohol.</p> <p>On 21st July 2012 as part of a test purchasing exercise. A 15year old male and a 14year old male were authorised to attempt to purchase alcohol at this premise. They were sold 4 cans of beer by the only person serving in the shop. The seller did not ask the children their ages nor did he ask for any identification as they looked under 25. A licence condition of the premise is to operate a challenge 25 policy.</p> <p>A subsequent telephone message received from a Mr Karim (who is not the owner) states that the owner is in Iraq and the seller was only visiting and should not have sold. This would point towards that the person had not been trained as per the condition on the licence.</p> <p>At the same time non duty paid alcohol was found on the premises.</p> <p>In light of the above Trading Standards support West Mercia Police in regard to revocation of the premises licence.</p>	

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

OFFICER **David Hough**
POSITION **Team Manager**
AUTHORITY **Herefordshire Council Trading Standards**

HEREFORDSHIRE COUNCIL
**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	European Fresh Foods
PREMISES LICENCE HOLDER	Mr Bakhtyar Khedir Mohammed
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Expedited Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
DATE OF MEETING	25 July 2012

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from James Mooney, representing West Mercia Police.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Council's Licensing Policy. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder.

DECISION

- 1 It is the decision of the Committee that the premises licence for European Fresh Foods, 141-143 Eign Street, Hereford, HR4 0AJ be suspended forthwith subject to a full review.

REASON

- 1 The Committee has found that there has been serious crime at the premises and has made its decision having heard evidence from West Mercia Police and in accordance with the guidance issued under Section 53A of the Licensing Act 2003 as amended. The Committee therefore decided that to promote the licensing objective of the prevention of crime and disorder the licence should be suspended.

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****ADDITIONAL INFORMATION**

- 1 The Committee is required to review the premises licence in full within 28 days of the application for a summary licence review made on 23 July 2012.
- 2 The full review hearing has been set for 14 August at 10:00 am in the Council Chamber, Brockington, 35 Hafod Road, Hereford, HR1 1SH.
- 2 The Licensee may make representations to the licensing authority in respect of the interim steps at any stage prior to the review. These representations must be heard by Committee within 48 hours (When calculating the 48 hour period any non-working day will be disregarded).
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14TH AUGUST 2012
TITLE OF REPORT:	APPLICATION TO LICENCE A VEHICLE OVER 2 YEARS OF AGE AS A NEW PRIVATE HIRE VEHICLE OUTSIDE STANDARD CONDITION 3.1 i) BY MR LESLIE RAYMOND KNAPMAN
PORTFOLIO AREA:	HEALTH AND WELLBEING SERVICE

CLASSIFICATION: open

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Regulatory Committee:

- (a) Refuses to allow this vehicle to be licensed outside the standard condition.**

Key Points Summary

- Application made on 4th July 2012 to consider allowing this vehicle to be licensed outside standard conditions.
- This vehicle was first registered on 9th September 2009 which means that it does not comply with the following condition:
 - 3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
 - i. Two years old for any other type of vehicle.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

The age of the vehicle shall be determined by the date of first registration on the registration document.

Alternative Options

- 1 **The licence can be granted**
Advantages: There would be no risk of any legal challenge.
Disadvantages: It does not comply with licence conditions and similar applications have been considered and refused in the past.
Reason why Head of Service has not recommended alternative 1: Although this has been considered it has not been recommended as it is not consistent with the approved conditions.
- 2 **To defer the decision in order to get more information**
The Committee could make a decision to defer the decision while more information is requested.
Advantages: Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.
Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.
Reason why Head of Service has not recommended alternative 2: It is felt that any information required to reach a decision has been provided within the application.
- 3 **To reach some other decision**
Advantages: This leaves other solutions open to the Committee to resolve the application.
Disadvantages: There are no clear directions from the Head of Service with respect to other options.
Reason why Head of Service has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 4 The conditions were extensively consulted upon and agreed by Members at the Regulatory Sub-Committee. Whilst each application must be considered on its own merits there does not appear to be any compelling circumstances to deviate from conditions. The condition regarding age has been in place since 2002 and the applicant is fully aware of this condition.

Introduction and Background

- 5 Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.

Key Considerations

- 6 Whether or not, in the given circumstances, the licence should be granted outside the standard conditions.

Community Impact

- 7 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

8 Not applicable

Legal Implications

9 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

10 Appendix 1 – Copy of standard licence conditions

Appendix 2 – Copy of application dated 4th July 2012

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.

CAS - 119951 - BIG8K4

RECEIVED
04 JUL 2012



Receipt No: 316878
Income Code 191130 C05027 9126 £160
Date: 4/7/12

Application for grant/renewal of a
TAXI LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK	<input checked="" type="checkbox"/>	PLEASE TICK	
PRIVATE HIRE VEHICLE	<input checked="" type="checkbox"/>	GRANT	
HACKNEY CARRIAGE VEHICLE	<input type="checkbox"/>	RENEWAL	
Reasons for application being outside conditions	vehicle outside conditions 2009.		

Surname (MR, MRS, MISS) KNAPMAN Maiden Name.....

All Forenames LESLIE RAYMOND Previous Surnames/Aliases.....

Date of Birth 17-02-67 Place of Birth HEREFORDSHIRE Sex M

Present address [REDACTED] ROSS-ON-WYE

HEREFORDSHIRE Post Code HR9 5UD

Telephone Number: Business [REDACTED] Home.....

Mobile [REDACTED]

E-mail [REDACTED]

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

[REDACTED] ROSS-ON-WYE Herefordshire

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

Name and address of proprietor of the vehicle [REDACTED]

ROSS-ON-WYE, Herefordshire

(Where applicant is partnership, limited company or other incorporated body)
Name of partnership, company or other incorporated body.

Address of Registered Office

[REDACTED] ROSS-ON-WYE, Herefordshire

Address from which business will be conducted.

[REDACTED] ROSS-ON-WYE, Herefordshire

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

Surname KNAPMAN Forename(s) LESLIE RAYMOND
Address [REDACTED] ROSS-ON-WYE, HEREFORDSHIRE
Date of Birth 17-02-67 Driver's Badge No. D5058

PARTICULARS OF VEHICLE

1. NAME ON REGISTRATION DOCUMENT LESLIE R KNAPMAN
2. MAKE MERCEDES 8. REGISTRATION NO. WUS9 [REDACTED]
3. MODEL E220 SE BLUEEFF 9. PLATE NO. _____
4. TYPE OF BODY SAHOON 10. ENGINE CAPACITY [REDACTED] 2.1
5. COLOUR(S) IRIDIUM SILVER 11. FUEL (PETROL/DIESEL/LPG) _____
6. NO. OF SEATS (EXC DRIVER) 4 12. CHASSIS/BODY NO. [REDACTED]
7. DATE OF 1ST REGISTRATION 9-9-2009 13. ENGINE NO. [REDACTED]

**ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)**

Is the Vehicle Wheelchair accessible? **YES/NO**

Does the vehicle have a meter fitted? **YES/NO**

Make: _____ Model: _____

Address at which vehicle will be garaged [REDACTED]

ROSS-ON-WYE, HEREFORDSHIRE

Insurance Company TRADEX

Insurance Valid From 15-06-12 To 15-06-13

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

LESLIE KNAPMAN, ALAN KNAPMAN

Hackney/Private Hire Cover _____

Where is the Fire Extinguisher kept? BOOT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**

If YES, state type of contract _____

**NB Drivers on Social Services/Education Contract journeys must hold a County Transport
Badge in addition to their Dual Driver Badge.**

Contact - Children and Young People's Directorate, School Admissions and Transport Department
Blackfriars PO Box 185 Blackfriars Street Hereford HR4 9ZR
Office Tel No: 01432 260928 Email: schooltransport@herefordshire.gov.uk

Has the applicant held Vehicle Licences granted by this or any other authority: YES/NO
If YES, give details: (Continue on separate sheet if necessary).

NAME OF AUTHORITY HEREFORDSHIRE	REGISTRATION NO VA05 [REDACTED]	PLATE NO H263
------------------------------------	------------------------------------	------------------

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been revoked, suspended or refused by any other authority? YES/NO

If YES, give details.....

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

LESLIE R KNAPMAN [REDACTED] DS058
ALAN KNAPMAN 8 WATHIN STREET

Name and address of Company/Group for whom vehicle will operate.....

[REDACTED]

Signature of Operator.. [REDACTED]

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance
2. Registration Document
3. Certificate of Compliance (issued by Council testing depot)
4. Vehicle Inspection Certificate (issued by Council testing depot)

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.. [REDACTED] Date 02-07-12

ON COMPLETION PLEASE SUBMIT THIS FORM, WITH THE REQUIRED FEE AND DOCUMENTATION TO ONE OF THE HEREFORDSHIRE COUNCIL CUSTOMER SERVICE CENTRES	Any queries regarding any aspect of this application please contact the Taxi Licensing Office. Tel: 01432 260105
--	---

£160.00 COMMITTEE FEE

PARTNER

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

Particulars of Vehicle

REGISTRATION NO. WU59 [REDACTED]

PLATE NO. _____

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.....

Date 02-07-12

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act. Where necessary we may share this personal data with partner organisations for the protection of public funds administered which may include the prevention or detection of fraud and auditing purposes.

Further information relating to the Data Protection Act 1998 can be sent to you on request. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH