

AGENDA

Regulatory Sub Committee

Date: **Monday 23 September 2013**

Time: **2.00 pm**

Place: **Council Chamber - Brockington**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor CM Bartrum
Councillor BA Durkin
Councillor JW Hope MBE**

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 any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE - ' THE VICTORY, 88 ST OWENS STREET, HEREFORD	9 - 14
To consider an application for a variation to the Premises Licence for 'The Victory, 88 St Owens Street, Hereford.	
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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.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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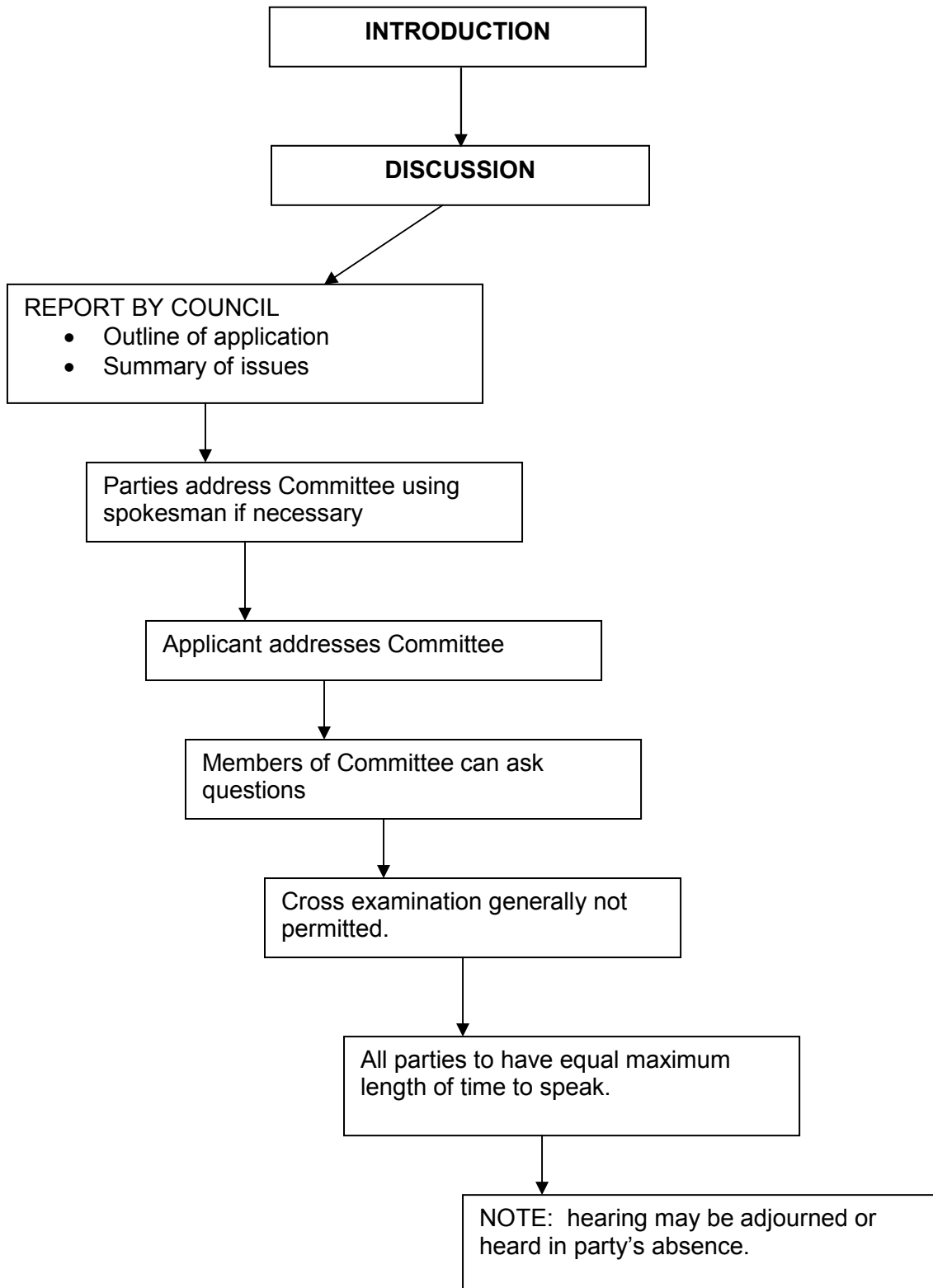
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	23 SEPTEMBER 2013
TITLE OF REPORT:	APPLICATION FOR A VARIATION TO THE PREMISES LICENCE - THE VICTORY, 88 ST OWENS STREET, HEREFORD
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision

3. Wards Affected

Central

4. Purpose

To consider an application for a variation to the Premises Licence for 'The Victory, 88 St Owens Street, Hereford.

5. Recommendation(s)

THAT

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

- **The steps that are appropriate to promote the licensing objectives,**
- **The Guidance issued to local authorities under the Licensing Act 2003, and**
- **The Herefordshire Council Licensing Policy.**

6. Key Points Summary

- The application requests a variation to the timings/hours with regard to the licensable activities of Regulated Entertainment – Live and Recorded music.
- The application requests the removal of all existing conditions deemed irrelevant or unworkable from the existing premises licence and the introduction of new conditions which are both achievable and enforceable for the purpose of promoting the licensing objectives.
- Representations have been received from the Police, Trading Standards and Licensing Authority with regard to the addition of conditions to the licence

7. Options

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

- a) To 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) To grant the licence subject to modified conditions to that of the operating schedule where the Sub-Committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003;
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates; or
- d) To reject the application.

8. Reasons for Recommendations

To ensure compliance with the legislation.

9. Introduction and Background

Background Information

Applicant	J KENYON	
Representative	N/K	
Type of application:	Date received:	28 Days consultation
Variation	02.08.2013	30/08/2013

Licence Application

- 9.1 The application for a variation to the premises licence has received representation and is brought before the Sub-Committee for determination.

Summary of Application

- 9.2 The application requests:

Live Music (Indoors & Outdoors) and Recorded Music (Indoors & Outdoors) as follows:

Live music

Mon – Thurs 10:00 – 24:00

Fri, Sat & Sun 10:00 – 01:00

Amplified music will be restricted to indoor areas only.

Outside music will be non amplified (acoustic only) with a finish time of 22.30 on all days

Recorded music

Mon – Sun 10:00- 01:00

Recorded music will be played via jukebox and DJs between 10:00 and 01:00

In the outside area recorded music will be of background type and restricted to the hours of 10:00-23:00 on all days.

- 9.3 The application requests an increase in the maximum number of persons allowed to use the premises in Condition 4.1 from 150 people to 200.

- 9.4 The application requests the removal of the following conditions:

No outdoor area including the beer garden shall be used for licensable activities after 12 midnight on any day other than in accordance with a Temporary Event Notice (TEN) and its use by patrons shall be strictly controlled by the Licensee to prevent nuisance to neighbours.

The sound limiting/cut out device installed at the premises shall be maintained in full working order and used each time entertainment is provided in the entertainment areas. The maximum sound level shall be agreed and approved by the Council's Environmental Protection team.

- 9.5 The application requests a change to the condition 'children *permitted after 20:00. Children only allowed at rear/not in bar*' to Children permitted only in rear function room until 2200 on all days.

Summary of Representations

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

- 9.7 Representations have been made by:

THREE (3) Responsible Authorities (Police, Trading Standards and Licensing Authority).

Summary of Representations/Conditions which could not be agreed following negotiation between the applicant and the THREE (3) Responsible Authorities:-

- 9.8 The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
- 9.9 The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
- 9.10 Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.
- 9.11 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.

10. Key Considerations

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

The licensing objectives are:

- The prevention of crime and disorder,
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

11. Community Impact

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

12. Equality and Human Rights

- 12.1 No implications identified.

13. Financial Implications

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

14. Legal Implications

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

14.2 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.

14.3 In this case it was summed up that: -

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

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

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

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'. (Since the stated case, amendments have been enacted to the Licensing Act which replace the word necessary with appropriate. Members will need to give due consideration to the intended meaning of this change and give weight to the difference as they see fit. Whilst the wording of the judge cannot be altered, it may be useful for Members to read the advice by replacing the words necessary and proportionate with appropriate).

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

14.4 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

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

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—

- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

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

15. Risk Management

15.1 No risk identified

16. Consultees

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

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

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

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

17. Appendices

- A. Application Form
- B. Current premises licence
- C. Local Authority Representation
- D. Police Representation
- E. Trading Standards rep

18. 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.

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We JAMES KENYON

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

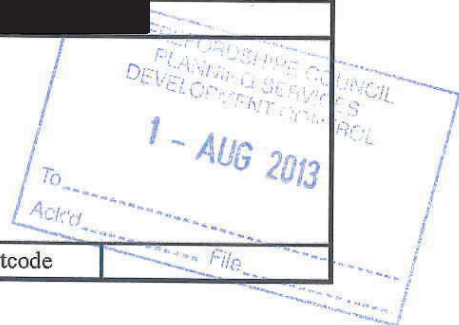
Premises licence number	 PR00072
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE VICTORY 88, ST. OWEN STREET			
Post town	HEREFORD	Postcode	HR1 2QD
Telephone number at premises (if any)	01432 342125		
Non-domestic rateable value of premises	£ 14,250		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town		Postcode	



Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

- ① REMOVAL OF ALL EXISTING CONDITIONS DEEMED IRRELEVANT OR UNWORKABLE FROM THE EXISTING PREMISES LICENCE AND INTRODUCING NEW CONDITIONS WITHIN THE OPERATING SCHEDULE WHICH ARE BOTH ACHIEVABLE AND ENFORCEABLE FOR THE PURPOSE OF PROMOTING THE LICENCING OBJECTIVES
- ② IT IS PROPOSED TO VARY THE TIMINGS IN BOTH E AND F COVERING LIVE * RECORDED MUSIC.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	24:00	Please give further details here (please read guidance note 3) AMPLIFIED MUSIC WILL BE RESTRICTED TO INDOOR AREAS ONLY. OUTSIDE MUSIC WILL BE NON AMPLIFIED (ACOUSTIC ONLY) WITH A FINISH TIME OF 22:30 ON ALL DAYS		
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for the performance of live music (please read guidance note 4) NONE		
Thur	10:00	24:00			
Fri	10:00	01:00	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) NONE		
Sat	10:00	01:00			
Sun	10:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	01:00	Please give further details here (please read guidance note 3) RECORDED MUSIC WILL BE PLAYED VIA JUKEBOX AND DJ'S BETWEEN 10:00 AND 01:00		
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE		
Thur	10:00	01:00			
Fri	10:00	01:00	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) NONE		
Sat	10:00	01:00			
Sun	10:00	01:00			

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"/>
				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 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	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input 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					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			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)		

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

CONDITIONS FOR REMOVAL 2.1/2.2/2.3/2.4/2.5/2.6,
 CONDITION 4.1 CHANGE TO 200 PEOPLE
 UNDER LICENSING OBJECTIVES REMOVE "NO OUTDOOR AREA INCLUDING THE BEER GARDEN SHALL BE USED FOR LICENSABLE ACTIVITIES AFTER 12 MIDNIGHT" - WITH THE SMOKING BAN IN PLACE WE NEED TO ALLOW CUSTOMERS TO TAKE THEIR DRINKS OUTSIDE UP TO CLOSING TIME AS IT IS NOT SAFE OR PRACTICAL FOR THEM TO LEAVE THEIR DRINKS UNATTENDED. HOWEVER NOISE WILL BE STRICTLY MONITORED AND

NOTICES DISPLAYED TO CUSTOMERS TO ENSURE NO DISTURBANCE TO NEIGHBOURS.

REMOVE THE USE OF A SOUND LIMIT/CUTOFF DEVICE FROM THE LICENCE.

UNDER PROTECTION OF CHILDREN - CHANGE CHILDREN ALLOWED ONLY IN BAR FUNCTION ROOM AND ONLY UNTIL 22:00 ALL DAYS

M

DESCRIBE ANY ADDITIONAL STEPS YOU INTEND TO TAKE TO PROMOTE THE FOUR LICENSING OBJECTIVES AS A RESULT OF THE PROPOSED VARIATION:

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

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

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). Retraining every 6 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include: Drugs Awareness Conflict resolution Selling to under age person Selling to drunks Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

- b) The prevention of crime and disorder

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) any complaints received
- (c) any incidents of disorder
- (d) any refusal of sale of alcohol
- (e) any visit by a relevant authority or emergency service

- c) Public safety

PS1

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

M CONTINUED

d) The prevention of public nuisance

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.

All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.

Live or Recorded music shall be restricted to the area marked on the premises plan

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.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

e) The protection of children from harm

The premises shall operate a Challenge 21/~~21/21~~ 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.

No person under the age of 18 years shall be permitted to be on the premises after 2200 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS

No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 18 or over.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:

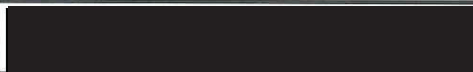
Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

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

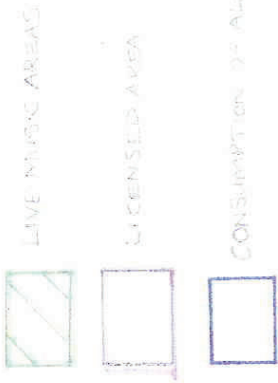
Signature	
Date	26/7/2013
Capacity	OWNER / LICENSEE.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

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



STEP

- [100] EMERGENCY EXIT LIGHT
- [V] FIRE EXTINGUISHER (WATER)
- [F] FIRE FIGHTING
- [S] BEER GARDEN
- [S] NO PUBLIC ACCESS
- [100] FIRE ALARM BELL
- [P8] PEDESTRIAN ACCESS

THE VICTORY
 ST. OWEN STREET
 THE RECORD
 APRIL 2014
 DATE
 DRAWN BY: J.B. PERKINS
 APPROVED: J.B. PERKINS



**LICENSING ACT 2003
Part A - Premises Licence**

Premises Licence Number PR00072 (Conversion and Variation)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description THE VICTORY 88 ST. OWEN STREET	
Post town HEREFORD	Postcode HR1 2QD
Telephone number 01432 274998	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence (all activities take place indoors unless otherwise stated) <ol style="list-style-type: none">1. A boxing or wrestling entertainment (outdoors only)2. A performance of live music3. Any playing of recorded music4. Other entertainment5. Making music6. Provisions of facilities for dancing7. Provision of late night refreshment (indoors and outdoors)8. Sale by retail of alcohol (indoors and outdoors) <p>Restrictions on licensable activities as licenced above.</p> <ol style="list-style-type: none">1. Malt wrestling2. Live bands, jamming sessions, events and parties.3. Disco and DJ4. Karaoke5. DJ and PA6. Dancing to bands, discos and Juke box7. Curry, Steak, BBQ's
--

The times the licence authorises the carrying out of licensable activities

A boxing or wrestling entertainment

During the Beer Festival in August: 14.00 – 20.00

A performance of live music

Monday-Friday: 10:00 - 00:00

Saturday, Sunday: 10:00 - 01:00

Until 01:00 for booked parties and functions

Any playing of recorded music; Making music; Dancing

Monday-Thursday: 10:00 - 00:00

Friday-Saturday, Sunday: 10:00 - 01:00

Until 01:00 for booked parties and functions.

Other entertainment - Karaoke

Monday-Saturday, Sunday: 10:00 - 23:00

Provision of late night refreshment

Monday-Thursday: 23:00 - 01:00

Friday-Saturday, Sunday: 23:00 - 02:00

Sale by retail of alcohol

Monday-Thursday: 10:00 - 01:00

Friday-Saturday, Sunday: 10:00 - 02:00

New Year's Eve until 04:00 Christmas Eve, St David's Day, St Patrick's Day, St George's Day & St Andrew's Day until 02:00

The opening hours of the premises

Monday-Thursday: 10:00 - 01:30

Friday-Saturday, Sunday: 10:00 - 02:30

Beer garden open until 00.00

New Year's Eve until 04:30

Christmas Eve, St Patrick's Day, St Andrew's Day, St George's Day, St David's Day until 2:30

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

Both on and off the premises



Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr James Llewellyn Kenyon
THE VICTORY
88 ST. OWEN STREET
HEREFORD
HR1 2QD
Telephone: (Day-time only) 01432 274998

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

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr James Llewellyn Kenyon
THE VICTORY
88 ST. OWEN STREET
HEREFORD
HR1 2QD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence number: 140
Issuing authority: Herefordshire Council



Annex 1 - Mandatory conditions

Mandatory conditions: supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Mandatory condition: door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;

Alcohol may be sold or supplied [for one hour following the hours set out above and] [on Christmas day, between 3 p.m. and 7 p.m.] to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

The above restrictions do not prohibit (in addition to items a) to h) above:

- i) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

General

- 1.1 In undertaking any or all of the conditions, the licensee(s) shall comply with all reasonable requests of the Police, the Fire Authority and the Licensing Authority's Officers.
- 1.2 The licensee(s) shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.
- 1.3 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose (who must not be a person under the age of 18) shall be present at the premises during the whole time that they are open to the public.
- 1.4 Such written nomination shall be available for inspection by the Licensing Authority's Officers at all times .
- 1.5 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall not be engaged on any duties that will prevent him/her from exercising general supervision.



Stewards and Door Supervisors

2.1 The number of stewards or door supervisors shall be a minimum of 3 stewards when entertainment takes place.

2.2 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, must ensure that the required number of stewards or door supervisors is present on the premises for the duration of the event and that they are clearly identifiable.

2.3 Where the Licensee(s) determines that the number of persons attending the premises for a particular event is less than the permitted maximum number, he/she/they may reduce the number of stewards or door supervisors that must be in attendance. When considering such reductions they shall calculate the number of stewards/door supervisors by using the following method: For every 250 persons attending the event (or part of 250) there must be one steward/door supervisor.

In addition, where there are less than 100 persons on a floor or tier, one steward/door supervisor per floor.

Where the number exceeds 100, two stewards/door supervisor per floor .

2.4 The licensee(s), or some responsible person nominated by him/her/them in writing for the purpose, shall maintain a register of stewards or door supervisors kept on the premises showing the names and addresses of the stewards/door supervisors, and shall be signed by the stewards/door supervisors before the event commences.

2.5 The register is to be made available for inspection by Officers of the Fire Authority, Police or Licensing Authority.

2.6 The Licensee(s) shall inform the Licensing Authority if it is to use stewards as door supervisors (i.e. to decide upon the suitability of customers to be allowed onto those premises, and/or to maintain order, in addition to safety related functions). The Licensing Act 2003 requires that door supervisors must be licensed by the Security Industry Authority. For further details contact the Licensing Officer.

Dates and hours of opening

3.1 Premises licensed shall only be opened and used for any of the said purposes on such days or dates and during such hours as the premises licence permits.

Numbers of persons

4.1 The maximum number of persons permitted to use the premises, or any part of the premises, for any of the said purposes, shall be restricted to a maximum of 150 people.

4.2 The licensee(s) must ensure that the number of patrons attending on the premises does not exceed the permitted maximum number of persons as specified in the premise licence.

4.3 The premises shall not be used for a closely seated audience except in accordance with plans submitted by the Licensee(s) and approved by the Licensing Authority.

Powers of entry

5.1 Representatives of the Fire Authority and Police and authorised officers of the Licensing Authority shall be allowed at all times to enter the Licensed premises in order for them to execute their duties and in particular ensuring compliance with the these and any other relevant conditions.



Right to Modify

6.1 The Licensing Authority reserves the rights, from time to time, to exclude, modify, vary, or add to any of these conditions.

Special Conditions

7.1 The Licensing Authority may impose such special conditions, as it thinks fit, on the grant, renewal or variation of any Licence. Such special conditions will, if imposed, be contained within an annex attached to the licence.

Hypnotism

8.1 The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism without the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent. The special conditions relating to the regulation of exhibitions, demonstrations or performances of hypnotism are available on request.

Noise from Entertainment

9.1 The Licensee(s) shall have regard to the effects of sound levels from any amplified sound systems used in connection with an event(s) and shall take all reasonable steps to minimise the chances of complaints arising .

Conduct at Premises

10.1 Public order shall be maintained on the premises during the entertainment and the behaviour of any patrons attending functions must not be permitted to present a danger or threat to order.

10.2 The licensee(s) must, as far as is reasonably possible, ensure that patrons leaving the premises do so in an orderly manner and that they do not cause annoyance/disturbance to occupiers of premises in the vicinity which is likely to give rise to complaint.

10.3 No disorderly conduct shall be permitted at the Licensed premises, or any exhibition, recitation, acting, singing or dancing which is of an obscene character or is offensive.

10.4 No unlawful lottery or game shall be permitted at the licensed premises.

Maintenance, Repair and Cleanliness

11.1 All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

11.2 A suitable number of waste bins with close fitting lids shall be provided for housing any waste generated at the premises.

11.3 No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises.

11.4 The licensee(s) must be able to demonstrate at all times compliance with the appropriate safety standards and shall at the request of the Licensing Authority produce for inspection, certificates issued by a suitably qualified person for matters that might include stage safety, lifts, balconies, projection equipment, ceilings, heating and ventilation.

Alterations

12.1 Any alterations or additions to the premises whether permanent or temporary, shall be notified to the Licensing Authority prior to the premises being used. Depending upon the circumstances, it may be necessary to make an application for a variation of Premises Licence or a Temporary Events Notice where, for example, a marquee is to be erected or an increase in the number of patrons is sought for a one-off event.

12.2 In the event of emergency repairs being carried out, the Licensing Authority shall be notified immediately. This includes any work on heating, lighting or cooking equipment.

Washing and Sanitary Facilities

13.1 Adequate and separate washing and sanitary conveniences shall be provided and maintained for persons of each sex to the satisfaction of the Licensing Authority and shall comply with BS6565:1994 or such other standards as the Licensing Authority may determine in writing .

Electrical Installations

14.1 All electric fittings, wiring, and appliances shall be constructed and maintained in a safe condition and to the satisfaction of the Licensing Authority. Any temporary wiring or telecommunications must be safely installed and securely fixed and not present a tripping hazard.

14.2 Unless a determination has been made by an approved electrical contractor and agreed by the Licensing Authority, to the contrary, a periodic inspection of the electrical systems serving the premises shall be carried out by an approved electrical contractor (with reference to and undertaken in accordance with British Standard 7671:1992, and its amendments), at least annually.

14.3 The results and extent of a Periodic Inspection and Testing on an installation, or any part thereof, in accordance with Chapter 73 of BS7671:1992, shall be recorded on a report by the person carrying out the inspection, and the report shall be provided to the Licensing Authority using the form prescribed by them (reference PEL/PIR1).

14.4 Any matters regarded as requiring action in order to satisfy British Standard 7671:1992, shall be carried out within a timescale given in writing by the contractor.

Residual Circuit Devices

15.1 All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.

15.2 The residual circuit device shall be tested on a regular basis in accordance with the manufacturers instructions.

Lighting

16.1 Lighting levels inside and, where appropriate, outside the premises, shall be adequately lit during the whole time the premises are being used for any of the said purposes, so as to enable the public to access, egress and move about the premises safely. Subdued levels of lighting shall be permitted only where safety is not compromised and only whilst the entertainment is in progress.

16.2 All parts of the premises especially all passages, courts, corridors and stairways to which the public have access and which lead to the outside of the premises must, in the absence of adequate daylight, be illuminated by the general lighting when the public are present. The

general lighting shall be provided by electricity.

16.3 If there is a failure of the general lighting and is not restored within thirty minutes, so that the public cannot access, egress and move about the premises safely, the event shall be terminated and the public evacuated from the premises at the end of that period.

First Aid

17.1 Suitable first aid equipment shall be provided and maintained in an accessible position on the premises.

Accidents

18.1 Any injury to any person whilst at the licensed premises, which results in hospital treatment becoming necessary, shall be reported to the Licensing Authority within 24 hours of the injury occurring with details confirmed in writing within a further seven days .

Compliance with the Fire Authoritys Requirements and Recommendations

19.1 The licensee(s) is responsible at all times for ensuring the safety of public in attendance in the event of fire or other such emergency.

19.2 The licensee(s) shall, unless agreed otherwise in writing with the Licensing Authority, implement in full the requirements and recommendations (if any) of the Fire Authority as detailed in its inspection report before any public entertainment is held within the premises to which the licence relates and shall thereafter promptly implement any further recommendations of the Fire Authority from time to time.

19.3 The Licensee(s) shall comply with any reasonable fire prevention and safety measures that may be required of him/her/them by the Fire Authority or Licensing Authority.

Means of Escape

20.1 Adequate means of escape shall be provided and maintained to the satisfaction of the Licensing Authority and Fire Authority.

Reporting of Fires

21.1 A written fire and emergency evacuation procedure shall be established and maintained to the satisfaction of the Licensing Authority and Fire Authority.

21.2 Any outbreaks of fire, however slight, whilst the premises are open for public entertainment, must be reported immediately to the Fire Service by dialling 999.

21.3 A notice giving instructions on how to call the Fire Service and indicating the nearest available public telephones shall be prominently displayed in the premises.

Fire Procedure

22.1 The Licensee(s) (or nominated representative) shall supervise the escape of persons in the event of fire or other such emergency.

22.2 The Licensee(s) (or nominated representative) will arrange for the fire procedure to be practised by all staff and other attendants at least twice each calendar year and upon employment of new staff.

Log Book

23.1 The licensee(s) shall keep a Log Book, and produce for inspection at the request of an authorised officer of the Police, Licensing Authority, or Fire Authority.

23.2 The Log Book shall record the date, time and result of each of the following tests or inspections and be signed by the person responsible:-

- a. inspections by authorised officers of the Licensing Authority, the Fire Authority and the Police;
- b. Fire equipment tests;
- c. Emergency lighting tests;
- d. Fire alarm tests;
- e. Staff fire prevention and emergency procedure training;
- f. Dates and times of practices of the fire procedures and details of the persons taking part.

Access for Fire Appliances

24.1 The licensee(s) (or nominated person) should be able to satisfy the Licensing Authority and Fire Authority, when required, that external access can be effectively provided for Fire Authority appliances. The licensee(s) (or nominated person) must ensure that vehicles do not obstruct such access.

Fire fighting equipment

25.1 Suitable and sufficient fire fighting equipment shall be maintained to the satisfaction of the Licensing Authority, shall be provided in the premises, located in suitable positions, available for instant use and have been serviced within the last twelve months.

Exit Routes and Exit Route Notices

26.1 All exits and exit routes shall be clearly indicated by graphic symbols complying with British Standard 5499:1990 Part I. All such notices and routes shall be subject to the approval of the Licensing Authority and Fire Authority and shall be adequately illuminated and linked to an emergency lighting system.

Exit Doors

27.1 The number, size and position of exit doors, gangways and passageways shall be to the satisfaction of the Licensing Authority and the Fire Authority.

27.2 All exit doors and all passageways, gangways, steps and stairways affording access thereto shall be properly maintained and shall be kept entirely free from obstruction and combustible storage at all times in order to allow safe egress from the building.

27.3 Before the public are admitted to any entertainment, the licensee(s) (or nominated person) shall ensure that all exits are unlocked, available for use and that:-

27.4 All exit doors that do not open in the direction of exit e.g. sliding doors, gates and shutters, must be secured in the open position where necessary and suitably signed;

27.5 All removable fastenings, if any, have been removed from other exit doors, gates and shutters and placed in a secure place;

27.6 All panic bolts, if any, have been tested and are in good working order;

27.7 Automatic bolts shall be of such a pattern that horizontal pressure on the cross-bars will open the doors. The cross-bars shall, where practicable, be placed at a height one metre from the bottom of the door. Doors fitted with automatic bolts shall have the words 'PUSH BAR TO OPEN' painted upon them in block letters at least 100mm high.

Furniture and Fittings

28.1 Fire resisting doors, walls and associated self-closing devices, ceilings and floors shall be kept in a satisfactory state of repair.

28.2 The licensee(s) shall comply with any reasonable requirement of the Fire Authority with regard to the provision and maintenance of surface finishings on walls, ceilings and partitions, floor coverings and upholstered furniture within the premises and shall allow the Fire Authority to test any furniture, equipment, fittings and similar items, if requested.

28.3 Curtains covering exit doors or across gangways shall be made to part in the centre and shall not obstruct exit signs, emergency lights and manual call points. They shall hang so as to be readily drawn aside and should be at least 100mm above floor level.

28.4 Curtains, safety curtains, hangings, decorations and fabrics shall be inherently flame retardant and comply the relevant British Standards. Those not inherently retardant must be suitably treated to achieve the same standard.

Mats and Floor Coverings

29.1 Matting and other floor coverings must be secured in such a manner as not to constitute a danger.

Smoking

30.1 There shall be no smoking in any stage/backstage area except so far as may be necessary on stage in connection with a live performance.

Explosive and Flammable Substances

31.1 Lamps burning paraffin or other mineral oils shall not be used.

31.2 Any naked light shall be protected by means of an efficient glass or wire globe.

31.3 Gas cylinders, whether natural or liquefied, shall not be used unless the installation is housed externally and fixed pipework is used. Any gas taps shall be secured so far as possible against unauthorised access and flexible piping shall not be used.

31.4 No explosive or highly flammable substance shall be brought into or used on the premises other than an approved supply of mains gas or controlled LPG fuel.

Ventilation/Heating

32.1 The premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority. All equipment shall be maintained in a proper working condition and any fuel stored in a safe manner.

32.2 Stoves, open fires and heating appliances shall be effectively fixed and guarded.

33.3 Cylinders or containers of gas under pressure, other than Cellar Gases, shall not be used



on the premises except with the prior consent of the Licensing Authority.

33.4 The use of portable cooking or heating appliances shall be subject to the prior consent of the Licensing Authority.

Special Effects

34.1 The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

34.2 Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.

34.3 Any lighting or approved special effects shall be installed and maintained by a competent person.

34.4 The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

Outbreak of Fire

35.1 Notices shall be displayed detailing the action to be taken in case of fire, in the position of the nearest telephone and the method of calling the Fire Authority.

Emergency Lighting

36.1 In addition to general lighting, adequate emergency lighting must be provided to enable members of the public to see their way out of the premises without assistance from the general lighting. Such emergency lighting must be kept lit in the hall, passages and stairways during the time while the premises are open to the public, or be designed so as to illuminate these areas automatically and immediately in the event of the failure of the general lighting system. The lighting to EXIT or WAY OUT signs shall not in any circumstances be extinguished or dimmed while the public is on the premises. The emergency lighting must comply with British Standard BS 5266:1988, Part 1.

36.2 Emergency lighting and all hand lamps shall be maintained in efficient working order and shall be checked weekly. All batteries shall be maintained or changed in accordance with the manufacturers recommendations.

36.3 All switches controlling the emergency lighting shall have marked immediately below them 'Emergency Lighting Only' and be situated in a position inaccessible to unauthorised persons or protected against unauthorised operation.

36.4 No entertainment shall take place until the emergency lighting has been tested and found to be fully operative.

36.5 The licensee(s) (or nominated person) shall ensure that in the event of the failure of an emergency lighting system, members of the public are instructed to leave the premises immediately and not readmitted until the system is operable.

People with disabilities

37.1 On those occasions when people with disabilities are present on the premises the



licensee(s) shall make an assessment so as to enable all people to leave the premises safely in the event of an emergency. Advice can be sought from the Fire Authority.

Gas Meter and Electrical Intake Enclosures

38.1 Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not, shall be kept clear and unobstructed.

Gas Appliances

39.1 Any and all gas appliances used in the premises must be regularly and properly maintained by a competent person in accordance with the manufacturers instruction and recommendations at least annually and a record of any such maintenance be kept at the premises and be available for inspection by the Licensing Authority.

Licensing objectives

General:

To implement the safeguards already in place and will continue to run a trouble free establishment.

Prevention of Crime:

Phone taxis for patrons. Food available to stop people migrating into town. CCTV to be installed.

CCTV security system to cover the main door from the St Owens Street, the side door from the beer garden, and the beer garden its self.

Public Safety:

Licensee controls crowd safety.

The capacity limit on the premise is 150 people.

Prevention of Public Nuisance:

Crowd safety. Speaker with background music only in beer garden until 23:00, strictly controlled by licensee.

No outdoor area including the beer garden shall be used for licensable activities after 12 midnight on any day other than in accordance with a Temporary Event Notice (TEN) and its use by patrons shall be strictly controlled by the Licensee to prevent nuisance to neighbours.

Any music provided to the beer garden shall be background levels only and strictly controlled by the licensee. No music shall be provided to the beer garden after 23.00 hours Monday to Saturday and 22.30 hours on a Sunday.

All windows to the entertainment areas shall be kept closed during performance.

All doors to the entertainment areas shall be close fitting and constructed from dense, heavy materials. All doors shall remain closed during performance except for access/egress by persons to/from the entertainment area and shall at no time be propped open.



The sound limiting/cut out device installed at the premises shall be maintained in full working order and used each time entertainment is provided in the entertainment areas. The maximum sound level shall be agreed and approved by the Councils Environmental Protection team.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The Licensee(s) shall ensure that any sound attenuating devices, noise limitation devices, etc. installed on the premises and/or affixed to sound equipment is operating correctly and in accordance with settings, levels, etc. designed to prevent noise nuisance occurring and agreed with the Licensing Authority.

Protection of Children:

No children permitted after 20:00. Children only allowed at rear/not in bar. Proof of age scheme.

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

Not applicable

Annex 4 - Plans

As attached



LICENSING ACT 2003
Part B - Premises licence summary

Premises Licence Number PR00072 (Conversion and Variation)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description THE VICTORY 88 ST. OWEN STREET	
Post town HEREFORD	Post code HR1 2QD
Telephone number 01432 274998	

Where the licence is time limited the dates Not applicable
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Licensable activities authorised by the licence (all activities take place indoors unless otherwise stated) <ol style="list-style-type: none">1. A boxing or wrestling entertainment (outdoors only)2. A performance of live music3. Any playing of recorded music4. Other entertainment5. Making music6. Provisions of facilities for dancing7. Provision of late night refreshment (indoors and outdoors)8. Sale by retail of alcohol (indoors and outdoors) <p>Restrictions on licensable activities as licenced above.</p> <ol style="list-style-type: none">1. Malt wrestling2. Live bands, jamming sessions, events and parties.3. Disco and DJ4. Karaoke5. DJ and PA6. Dancing to bands, discos and Juke box7. Curry, Steak, BBQ's
--

The times the licence authorises the carrying out of licensable activities

A boxing or wrestling entertainment

During the Beer Festival in August: 14.00 – 20.00

A performance of live music

Monday-Friday: 10:00 - 00:00

Saturday, Sunday: 10:00 - 01:00

Until 01:00 for booked parties and functions

Any playing of recorded music; Making music; Dancing

Monday-Thursday: 10:00 - 00:00

Friday-Saturday, Sunday: 10:00 - 01:00

Until 01:00 for booked parties and functions.

Other entertainment - Karaoke

Monday-Saturday, Sunday: 10:00 - 23:00

Provision of late night refreshment

Monday-Thursday: 23:00 - 01:00

Friday-Saturday, Sunday: 23:00 - 02:00

Sale by retail of alcohol

Monday-Thursday: 10:00 - 01:00

Friday-Saturday, Sunday: 10:00 - 02:00

New Year's Eve until 04:00 Christmas Eve, St David's Day, St Patrick's Day, St George's Day & St Andrew's Day until 02:00

The opening hours of the premises

Monday-Thursday: 10:00 - 01:30

Friday-Saturday, Sunday: 10:00 - 02:30

Beer garden open until 00.00

New Year's Eve until 04:30

Christmas Eve, St Patrick's Day, St Andrew's Day, St George's Day, St David's Day until 2:30

Name, (registered) address of holder of premises licence

Mr James Llewellyn Kenyon

THE VICTORY

88 ST. OWEN STREET

HEREFORD

HR1 2QD

Telephone: (Day-time only) 01432 274998

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

Both on and off the premises

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

Not applicable



Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr James Llewellyn Kenyon

State whether access to the premises by children is restricted or prohibited

Protection of Children:

No children permitted after 20:00. Children only allowed at rear/not in bar. Proof of age scheme.

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for the variation of a premises licence in respect of 'The Victory Public House, 88 St Owens Street, Hereford, HR1 2QD.

The application requests that a number of conditions on the licence be replaced and that the hours in respect of recorded music and live music be extended.

The Licensing Authority must **object** to the variation of the licence as applied for. There seems to be some confusion on the part of the applicant between what is licensable and non-licensable activities.

The premises currently has in place conditions which were carried over from the converted public entertainment licence. Most of those conditions are now either obsolete or have been replaced with other legislation. It is also noted that the premises is authorised for Wrestling and Boxing yet no conditions exist to address these activities.

The Licensing Authority therefore request that all the current conditions on the licence be removed and are replaced with the conditions shown below which are done on a like for like basis. Whilst the applicant has offered some of these for the purpose of clarity the conditions have been duplicated.

If the applicant was to agree these then I would withdraw our objection.

PREVENTION OF CRIME

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **0300 333 3000** immediately.

2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and retained for a period of 12 months which shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
4. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
5. 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 equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining shall take place every 6 months. Training records shall be kept on the premises 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

6. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:

Drugs Awareness

Conflict resolution

Selling to under age person

Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

7. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.

PUBLIC SAFETY

8. 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

Electrical & Gas Installations

9. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

10. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Capacity limits

11. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

Wrestling/Boxing

12. Only events whose members are registered with the Amateur Wrestling Association or the Amateur Boxing Association shall take place at the premises.

13. An appropriately qualified medical practitioner who is registered with the General Medical Council (GMC) shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

14. A medicinal supply of oxygen shall be immediately available on site and located close to ring.

15. Any ring shall be supplied by a company whose business involves the construction of the same. Such business shall be registered at Companies House. A sign off certificate shall be used prior to its first use to state that the ring has been constructed in accordance with the manufactures instructions. The certificate shall be made available on demand to the police or an authorised person (as defined by Section 13 of the Licensing Act 2003).

16. At any wrestling/boxing or other entertainments of a similar nature, members of the public shall not be seated within 2.5 metres of the ring.

Prevention of Public Nuisance

17. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
18. 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.
19. All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.
20. 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
21. 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.
22. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.
23. Amplified music shall only be provided externally as background noise and shall cease at 2300hours.
24. No external area at the premises shall be used for any licensable activity after 23:00 hours.

Protection of Children

25. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 21 or over.

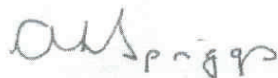
26. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire 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.

27. 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.

28. 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).

29. No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS.

30. No person under the age of 18 years shall be permitted to be on the premises after 2200 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS



Fred Spriggs
Licensing Officer

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 08 August 2013 13:08
To: Licensing
Cc: Semper,Nick
Subject: Victory, St Owen St., Hereford - variation application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for the **Victory Public House, St Owen Street, Hereford**. The application seeks to remove a number of existing conditions and to vary operating hours for licensable activities.

It is right to say that the existing premises licence has a number of conditions that are either not achievable or no longer relevant for this premises, therefore West Mercia Police welcome this application.

West Mercia Police do not object to this application.

West Mercia Police has the following representations in order to promote the licensing objectives. These are based on the submissions of the applicant, knowledge of the venue and the vicinity and the model pool of conditions contained in the licensing policy for Herefordshire Council. It is our view that they are proportionate, necessary, achievable and enforceable.

1. The premises licence holder will employ SIA registered door supervisors on a risk assessed basis. This risk assessment will be written down and retained for a period of 12 months and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

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

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

3. All bar 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 Trading Standards**. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the Person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. The training shall include:

Drugs Awareness
Conflict resolution

Selling to under age person

Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

5 The Designated Premises Supervisor (DPS) and all other staff shall ensure that no open vessels are taken off the premises by customers.

6. All windows will be kept shut after midnight.

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

8. The Premises Licence Holder or DPS or the responsible person 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.

9. No music or other type of regulated entertainment will take place in any external area of the premises after 2300hrs

10.External areas of the premises will not be used after midnight, save for the purpose of smoking. When this occurs the premises licence holder will ensure that no excessive nuisance occurs.

11. 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.

12. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

13. No person under the age of 18 shall be permitted on the premises unless accompanied by a person over the age of 18

14. 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), an authorised Herefordshire Trading Standards Officer or the police. 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

Whilst I have 'touched on' noise/nuisance management, the relevant responsible authority may have further representations.

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

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

From: Hough, David
Sent: 06 August 2013 16:22
To: jfkenyon@aol.com
Cc: Licensing; Spriggs, Fred; Mooney, James <james.mooney@westmercia.pnn.police.uk>
(james.mooney@westmercia.pnn.police.uk)
Subject: FW: Application to vary the premise licence at The Victory 88 St Owen Street Hereford HR1 2QD

Dear Mr Kenyon,

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application to vary a premise licence in respect of The Victory 88 St Owens Street Hereford HR1 2QD

As a Service we need to ensure that steps are taken to prevent alcohol being sold to children/persons under the age of eighteen. I note the information you have stated to promote the licensing objectives therefore the following conditions are suggested to be included in the licence.

1. 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 equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining shall take place every 6 months. Training records shall be kept on the premises 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
2. 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.
3. 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 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. 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 area advertising the scheme operated.

If you agree to these conditions could you email me stating your agreement and copy the email to licensing@herefordshire.gov.uk

Or

Please contact me to discuss this matter.

Regards
David Hough

David Hough
Team Manager
Business and Agricultural Support Team
Environmental Health and Trading Standards
Places and Communities Directorate
Herefordshire Council
PO Box 233
Hereford

HR1 2ZF

Tel No. 01432 260011

Email: dthough@herefordshire.gov.uk

GCSX: dthough@herefordshire.gcsx.gov.uk

Council's Homepage www.herefordshire.gov.uk

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SMOKING - It won't kill you to stop, but it probably will if you don't... For free help and advice on quitting, call our smoking team on 01432 383567 Email address stopsmoking@herefordshire.gov.uk or stopsmoking@herefordpct.nhs.uk

MEMORANDUM

To : LICENSING OFFICER
 From : Vince McNally
 Tel : 01432 260168 My Ref : VMC/134364
 Date : 13 August 2013 Your Ref :

**LICENSING ACT 2003
 APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
 THE VICTORY**

Having assessed the application I have no representation to make on the above application on this occasion.

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	NONE
PUBLIC SAFETY	NONE
PREVENTION OF PUBLIC NUISANCE	NONE
PROTECTION OF CHILDREN FROM HARM	NONE

REFERENCES

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



**VINCE MCNALLY
 PUBLIC PROTECTION OFFICER
 HEREFORDSHIRE COUNCIL**

