

AGENDA

Regulatory Sub Committee

Date: **Monday 2 December 2013**

Time: **2.00 pm**

Place: **Room 22 A, Brockington, 35 Hafod Road, Hereford**

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 BA Durkin
Councillor JW Hope MBE
Councillor GA Vaughan-Powell**

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 - 'CONNOLLY'S' BAR, 7 GLOUCESTER ROAD, ROSS ON WYE To consider an application for a variation to the Premises Licence in respect of 'Connolly's' Bar, 7 Gloucester Road, Ross on Wye,	9 - 42

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- 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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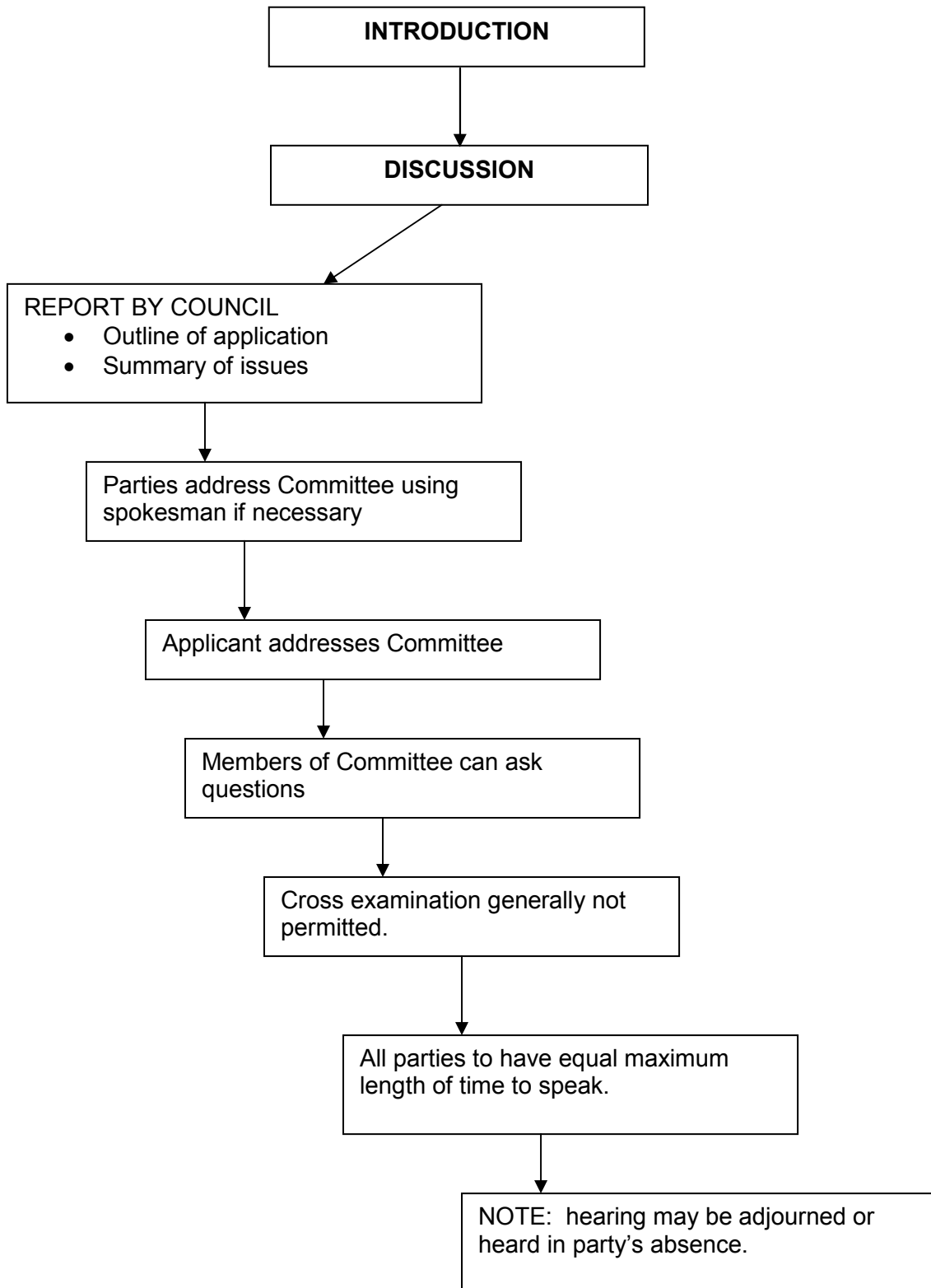
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 DECEMBER 2013
TITLE OF REPORT:	APPLICATION FOR A VARIATION TO THE PREMISES LICENCE - 'CONNOLLY'S' BAR, 7 GLOUCESTER ROAD, ROSS ON WYE
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

Ross on Wye (East)

4. Purpose

To consider an application for a variation to the Premises Licence in respect of 'Connolly's' Bar, 7 Gloucester Road, Ross on Wye, HR9 5BU'.

5. Recommendation

THAT

The 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 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 the timings/hours with regard to the licensable activities of Regulated Entertainment – Live and Recorded music.
- The application requests 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 and Trading Standards with regard to the addition of conditions to the licence.
- Relevant extracts from the Council’s Licensing Policy are set out at Appendix A.

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	Punch Taverns Plc Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF	
Representative	TLT Solicitors	
Type of application:	Date received:	28 Days consultation
Variation	08/10/2013	04/11/2013

Licence Application

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

Current Licence

The following is authorised under the current licence:

1. Provision of live music (Indoors)
2. Provision of recorded music (Indoors)
3. Supply of alcohol (For consumption both on and off the premises)

During the following hours:

Monday-Wednesday: 11:00 - 23:00
Thursday-Saturday: 11:00 - 01:00
Sunday: 12:00 (Midday) - 00:30

Non-Standard Timings:

A further additional hour every Christmas Eve

A further additional hour every Boxing Day

To reflect existing New Year's Eve/Day hours

Summary of Application

The application requests the following:

Recorded music (Indoors) and Suopply of Alcohol (Both on & off premises)

Monday to Wednesday 0900 – 0000

Thursday to Saturday 0900 – 0100

Sunday 0900 – 0030

Late Night Refreshment

Monday to Wednesday 2300 – 0000

Thursday to Saturday 2300 – 0100

Sunday 2300 – 0030

Summary of Representations

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

Representations have been made by:

Two (2) Responsible Authorities (Police & Trading Standards)

Whilst all the conditions have been agreed there still remains 2 police conditions and one trading standard condition which the applicant will not agree. They are:

(Police)

- *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.*

- *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.*

Trading Standards

- *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*

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

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

12. Equality and Human Rights

No implications have been identified.

13. Financial Implications

There are unlikely to be any financial implications at this time to the authority except if the decision is appealed.

14. Legal Implications

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.

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: -

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.

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

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 email 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. Extracts from the Herefordshire Council Licensing Policy
- b. Application Form
- c. Police Representation
- d. Trading Standards representation

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.

HERFEORDSHIRE COUNCIL LICENSING POLICY (Extracts)**20.5 Training**

The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime.

20.6 The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs, violence in licensed premises and deals with conflict resolution.

20.7 Suitable training should be extended to all bar staff and door staff so that drug dealers and troublemakers will be deterred from using licensed premises.

20.8 Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.

23.31 It is unlawful to sell or supply alcohol to persons under the age of 18, and applicants are recommended to adopt the 'Challenge 25' policy. The recommended conditions are:

1. The Licensee to adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the "Challenge 25" policy.

The following proofs of age are the only ones to be accepted:

- . UK Photo Driving licence
 - . Passport
 - . PASS Hologram
2. Staff Competence and Training:

The Licensee to keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.

The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under – 18s attempting to purchase alcohol.

3. Refusals Book:

The licensee to keep a register of refused sales of all age- restricted products (Refusals Book).

The refusals book to contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.

Application to vary a premises licence under the Licensing Act 2003

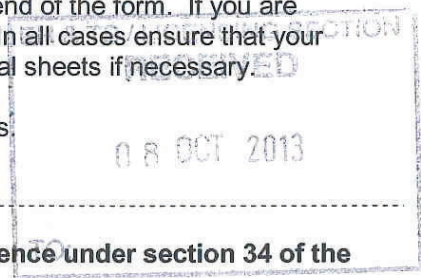
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 Punch Taverns Plc
(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 PR00539

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Connollys Bar 7 Gloucester Road			
Post town	Ross-On-Wye	Postcode	HR9 5BU
Telephone number at premises (if any)		01989 769994	
Non-domestic rateable value of premises		£7600	

Part 2 – Applicant details

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

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To permit the sale of alcohol and recorded music from 9am Monday to Sunday.

To permit the sale of alcohol and recorded music until midnight on Monday to Wednesday.

To permit late night refreshment from 11pm until midnight Monday to Wednesday, from 11pm until 1am Thursday to Saturday and from 11pm until 00:30am on Sunday.

To permit an additional thirty minutes drinking up time on top of the last permitted sale of alcohol.

All other hours, licensable activities, non standard timings and conditions are to remain unchanged.

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)

Supply 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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<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 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) As per the existing licence.		
Mon		00:00 09:00			
Tue	09:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	09:00	00:00			
Thur	09:00		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 6) As per the existing licence.		
Fri		01:00			
Sat		01:00			
Sun		01:00			
	09:00				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 4)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</p>		
Fri					
Sat			<p>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 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon		00:30	Please give further details here (please read guidance note 4) Hot food and drink served on the premises.		
		23:00			
Tue		23:00			
Wed		23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Thur		23:00			
Fri		01:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
		23:00			
Sat		01:00			
		23:00			
Sun		01:00			
		23:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon		00:30			
	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00				
Fri		01:00			
	09:00				
Sat		01:00			
	09:00				
Sun		01:00			
	09:00				
			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 6)		
			To remain unchanged.		

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 9).

As per the existing licence.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon		01:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>To remain unchanged.</p>
	09:00		
Tue		00:30	
	09:00		
Wed		00:30	
	09:00		
Thur		00:30	
	09:00		
Fri		01:30	
	09:00		
Sat		01:30	
	09:00		
Sun		01:30	
	09:00		

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

None.

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.

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) (please read guidance note 10)

As per the existing licence.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	04/10/2013
Capacity	SOLICITOR TO THE APPLICANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14)



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


Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

Police Representation

APPENDIX C

From: Mooney,James

Sent: 11 October 2013 15:06

To: Licensing

Subject: FW: Connollys Bar, RoW - variation application

West Mercia Police are in receipt of an application to vary the premises licence for **Connollys Bar, 7 Gloucester Road, Ross on Wye**. The application seeks to vary operating hours for licensable activities.

The application is move the hours to commence licensable activities - including the sale of alcohol - back to 0900hrs., and to end at 2400hrs (Monday-Wednesday); 0100hrs (Thursday-Saturday) and 0030hrs on Sundays

West Mercia Police do not object to this application.

This location is within a busy area of a rural market town and is well used by local people and visitors to the area. There are issues recorded on police systems indicating crime, disorder and nuisance incidents occurring at or near to (and connected with) the premises. These are not significant, but are relevant to the police response to this application.

The applicant has not made any additional submissions to promote the licensing objectives, except to refer to the existing premises licence. This existing licence has a number of conditions that are ambiguous, no longer relevant and not achievable and enforceable. It is disappointing that the applicant has not taken the opportunity to deal with this issue.

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. **CCTV (IF FITTED)** 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, an authorised Herefordshire Trading Standards Officer or the 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 '101' immediately.

2. The premises licence holder with employ SIA registered door supervisors on a risk assessed basis

3. 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) failure or malfunction of CCTV system (if fitted)
- (g) any visit by a relevant authority or emergency service

4. 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 employed. 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.

5. 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 employed. All staff shall be re-trained twelve monthly thereafter. The training shall included:

- 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.

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

7. All windows will be kept shut after midnight.

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

9. 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.
10. No music or other type of regulated entertainment will take place in any external area of the premises after midnight.
11. 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.
12. 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.
13. 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.
14. No person under the age of 18 shall be permitted on the premises unless accompanied by a person over the age of 18
15. 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
16. The premises licence holder or DPS will be an active member of any locally operated 'pub watch' scheme for the duration of its existence.

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

Insp 0795 Semper
Safer Neighbourhood Teams - Hereford

From: Barry Richards
Sent: 21 October 2013 16:02

James,

I write further to the representation that you have made in respect of the above premises.

I have spoken with our client who has advised they are prepared to agree to all of the conditions on the licence except for the staff training condition which they feel is too onerous, in particular the minimum standard and the time in which this must be completed.

Should our client agree to the other conditions on the licence could you advise me if you would be prepared to reword the staff training condition?

I look forward to hearing from you.

Kind regards

Barry Richards
Chartered Legal Executive
for TLT LLP

From: Mooney,James
Sent: 22 October 2013 10:31
To: 'Barry Richards'

Thank you for your response. The stance of West Mercia Police is that training is required to ensure the responsible sale and delivery of alcohol. The condition put forward is one that is based on the model pool of conditions contained in the licensing policy for Herefordshire Council. It is a condition used on a regular basis for most - (if not all applications) - major variations and new premises applications. In addition it has been applied a number of times as a result of licensing review applications. This condition is relevant for this venue.

Your client has not put forward anything that would address this issue - if there is something that they have in mind, perhaps they could share it with the police and other relevant responsible authorities.

You will see I have shared this matter with the other parties

I await your response

Regards

Jim Mooney
Harm Reduction and Licensing
Territorial Policing Unit - Herefordshire
West Mercia Police

Trading Standards Representation

APPENDIX D

From: Hough, David
Sent: 16 October 2013 10:44
To: [Barry](#) Richards
Subject: Application to vary the premise licence for Connollys Bar

For the attention of Barry Richards

As an authorised body under the Licensing Act 2003, Herefordshire Council Trading Standards have received details of the application to vary the premise licence in respect of Connollys Bar 7 Gloucester Road Ross on Wye HR9 5BU

As a Service we need to ensure that steps are taken to prevent alcohol being sold to children/persons under the age of eighteen. To promote the licensing objectives 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 your client agrees 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.

David Hough, Service Manager, Trading Standards and Animal Health

From: Barry Richards
Sent: 30 October 2013 09:55

David,

We are in a position to agree to the conditions that you have requested.

I have spoken with our client and they are not agreeable to all staff being trained to BIIAB level 1 or to a level agreed by trading standards. Our client is prepared to train staff and provide retraining but the cost and time implications of your condition is felt to be too onerous to be able to be complied with.
Our client is prepared to implement both a risk register and Challenge 25 policy.
I hope this explains our clients position.

Kind regards

Barry Richards
Chartered Legal Executive
for TLT LLP

From: Barry Richards
Sent: 30 October 2013 10:02

David,

Apologies, the first sentence should say we are not in a position to agree to all the conditions that you have requested.

If you are prepared to drop the BIIAB Level 1 requirement or to a level agreed by trading standards (unless you already have a training pack in place that you can provide to us which our client can implement) then our client would be prepared to agree a mutually acceptable condition.

Kind regards

Barry Richards

From: David Hough
Sent: 05 November 2013 12:08

Thank you for your reply,

The condition suggested allows for a business to have their own in house training that is to the minimum standard of BIIAB level 1 which is the bench mark.

I see from the Punch taverns website they operate Flow training which appears to cover this area. Can I ask why they are not using this?

I would be happy to include this into the condition

I await your considered reply.

Regards

David Hough

From: Barry Richards
Sent: 05 November 2013 12:23

David,

Punch Taverns operate a tenanted estate. This means that they do not operate the premises as a managed house but act as landlords to a tenant who has a lease from them and operates their own business. They do not have any day to day involvement in the running of the business and are unable to commit to the level of training their tenants provide to their staff.

Punch Taverns operate a program where their tenants (i.e. the people who sign the lease) are provided with training from Flow as part of a course to get them prepared for running a public house. This is what you will have seen on their website. It is not a training program provided to their tenants employees.

The reason that our client is reluctant to agree the condition that you have requested is because they consider it to be costly, onerous and not practical.

Our client is not opposed to adding a staff training condition, just the requirement that it is a formal qualification or to a formal qualification standard. They are prepared to propose the following conditions with regards to staff training;

1. Staff are to be trained in legislation relevant to their job role.
2. All staff who sell alcohol will be trained in underage sales, the Licensing Act 2003, how to deal with difficult customers and the conditions of the premises licence. This training is to be given on staff induction and refresher training will be given annually.
3. A record of all staff training shall be maintained at the premises and made available upon request from the licensing authority or responsible authority. Records of training will specify the time, date and details of the persons providing the training and receiving the training.

As previously indicated they would also be prepared to operate Challenge 25 and the refusal register that you requested.

I look forward to hearing from you.

Kind regards

Barry Richards

From: Hough, David
Sent: 07 November 2013 15:35
Barry,

Thank you for your reply.

It appears that will are not able to agree this condition therefore I suggest that the matter goes to the licensing committee for their decision

Regards
David Hough

From: Barry Richards [barry.richards@tltsolicitors.com]
Sent: 07 November 2013 15:43

David,

Thank you for letting me know.

Kind regards

Barry Richards