

# AGENDA

## Regulatory Sub-Committee

Date: **Tuesday 20 May 2014**

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Time: **10.00 am**

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Place: **Committee Room - Brockington, 35 Hafod Road,  
Hereford**

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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](mailto:tbrown@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Regulatory Sub Committee**

## **Membership**

**Councillor BA Durkin  
Councillor JW Hope MBE  
Councillor Brig P Jones CBE**

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>4. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>5. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF 'INDIAN SUMMER, 9 HIGH STREET, ROSS ON WYE, HR9 5HL' - LICENSING ACT 2003</b> To consider an application for a review of the premises licence in respect of 'Indian Summer, 9 High Street, Ross on Wye, HR9 5HL'.	9 - 30



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

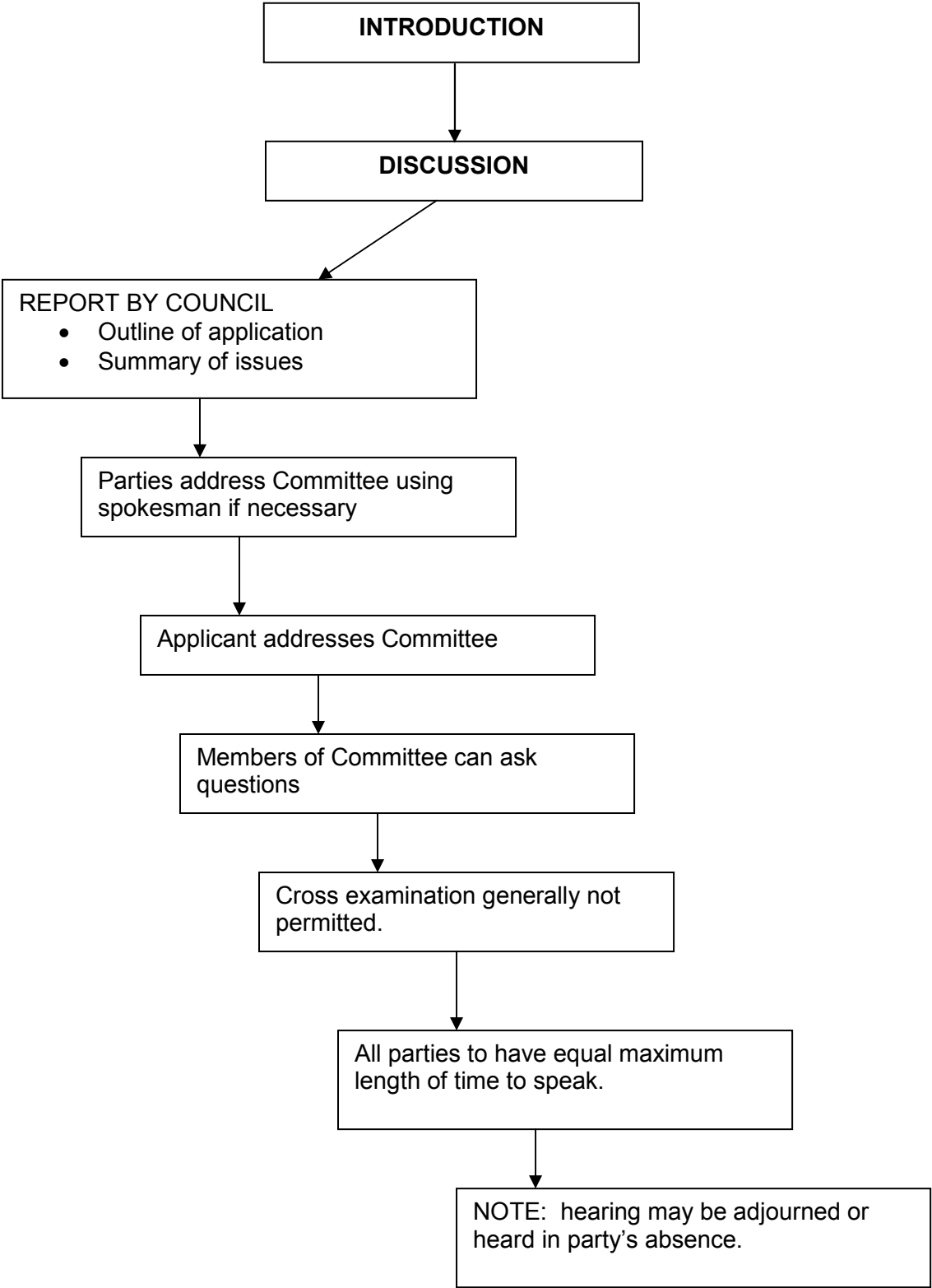
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point A which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

# LICENCING HEARING FLOW CHART







<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>20 MAY 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF 'INDIAN SUMMER, 9 HIGH STREET, ROSS ON WYE, HR9 5HL' – LICENSING ACT 2003</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision

### 3. Wards Affected

Ross on Wye West

### 4. Purpose

To consider an application for a review of the premises licence in respect of 'Indian Summer, 9 High Street, Ross on Wye, HR9 5HL'.

### 5. Recommendation(s)

**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.**
- **The Police application for the review**
- **Any other evidence produced in relation to the review**

## 6. Key Points Summary

- The application requests a review (appendix 1) of the premises licence in order to promote the licensing objective of the prevention of crime.
- The premises were visited by the UK Border Agency as a result of intelligence received and a male was detained by them as an illegal immigrant.
- No representation was received in respect of the application.
- No contact has been made by the premises licence holder.
- The Licensing Authority wrote to the premises licence holder Mr Ali offering him the option of dealing with the matter by minor variation. Still nothing was heard from Mr Ali and a Regulatory Sub-Committee hearing was arranged for 29 April 2014.
- An application for a minor variation was then submitted and as a result the Regulatory Sub-Committee hearing of 29 April regarding this matter was adjourned until 20 May 2014.
- The minor variation has been granted and a condition has been attached to the licence to promote the licensing objectives.

## 7. Options

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

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months;
- the revocation of the licence;
- to take no action

## 8. Reasons for Recommendations

To ensure compliance with the legislation.

## 9. Introduction and Background

### Background Information

Applicant	<b>Police Inspector N Semper – West Mercia Police – Hereford Police Station</b>
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Premise Licence Holder	<b>Mr Awlad Ali</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>Review</b>	Date received: <b>5<sup>th</sup> March 2014</b>	28 Days consultation <b>2<sup>nd</sup> April 2014</b>

**The grounds for the review are:**

The employment of illegal immigrants is viewed as a serious criminal activity and the guidance issued under Section 182 of the Licensing Act 2003, indicates that the review process should be used in order to prevent such activity.

**The following information was supplied to support the review**

At 1900hrs on Thursday 27 February 2014, as a result of intelligence, officers from the UK Border Agency attended a licensed premises known as the Indian Summer Restaurant, 9 High Street, Ross on Wye

The purpose of the visit was to check the right to UK residency and employment status of staff.

At the time of the visit the premises was open and customers were present.

On entering the premises one male ran away from them and was found a short time later hiding at the rear of the premises. It has been confirmed that this male was actually working as a waiter (and dressed accordingly) at the time of the visit. This male was detained and arrested as an illegal immigrant.

It is the view of West Mercia Police that the premises licence holder has failed to comply with his responsibilities with regard to checking the legal status of people prior to them being employed.

**10. Current Licence**

The current licence (appendix 2) authorises:

Sale by retail of alcohol (For consumption on the premises)

Monday-Saturday: 09:00 - 00:30

Sunday: 09:00 23:30

Late night refreshment

Monday-Saturday: 23:00 - 00:30

Sunday: 23:00 23:30

Non standard timings: None

Seasonal variations: None

Following the minor variation the licence now includes the following condition:

*A log book 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), the Police or an officer of the UK Border Agency. The log book must record the following:*

- a) *Details of all persons employed at the premises in any capacity.*
- b) *Date of birth of the person.*
- c) *The full name of the person.*
- d) *Their current address.*
- e) *Their national insurance number.*
- f) *Their passport details.*
- g) *In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.*
- h) *In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.*

*All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.*

### **Summary of Representations**

- No representation has been received

## **11. 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.

## **12. Community Impact**

The result of the review may have an impact on the Community.

## **13. Equality and Human Rights**

No implications have been identified.

## **14. Financial Implications**

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

## 15. 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.

### The Decision

The Act states that:

A determination under this section does not have effect—

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of

### Right of Appeal

Schedule 5 gives a right of appeal which states:

*Review of premises licence*

- 8 (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
- (2) An appeal may be made against that decision by—

- (a) the applicant for the review,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

(3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

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.

## **16. Risk Management**

No risks have been identified.

## **17. 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.

The notice was also displayed at the offices of the Licensing Authority at Blueschool House, Hereford.

A copy of the Review Application was also available to be viewed on the Herefordshire Council Website.

## **18. Appendices**

1. Review Application Form
2. Copy of current licence

## **19. 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.**

## **Background Information**

**HEREFORDSHIRE COUNCIL LICENSING POLICY states;**

*Section 18: Summary*

*This section explains who can call for a review of a premises licence and that The Licensing Authority will have expected the premises licence holder to have been consulted prior to the review being called. This section also deals with the action that the authority will take in respect of test purchases.*

**18 REVIEWS AND COMPLAINTS ABOUT LICENSED PREMISES.**

- 18.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives.
- 18.2** If a premise has an existing licence, a responsible authority or an interested party may apply to the Licensing Authority for a review of a Premises Licence or Club Premises Certificate. Once a review application has been lodged with the Licensing Authority any other responsible authority or interested party may make representations (within the legal deadline) to the Licensing Authority in relation to the premises. The licence holder of the premises may make representations against the review application. Review applications and subsequent representations can only be made on the grounds of one or more of the licensing objectives.
- 18.3** Review applications will be heard by the Licensing Authority's Licensing Committee or Licensing Sub-Committee, who will determine the outcome of the Licence/Certificate after hearing and considering the application and the representations for and against it. Each case will be decided on its own merits, and the Licensing Authority may take several courses of action (e.g. take no action, revoke the licence, reduce the licensed hours etc) in accordance with the Act.

**Guidance issued under Section 182 of The Licensing Act 2003 (relevant Sections)**

11. Reviews

**The review process**

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

#### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to

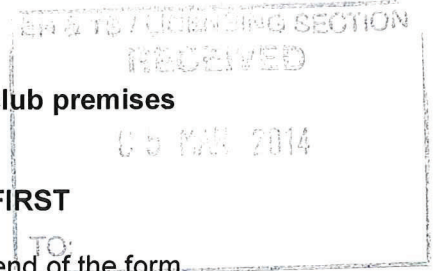


recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **Reviews arising in connection with crime**

- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - ***for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;***
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.



**Application for the review of a premises licence or club premises certificate 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 Nick SEMPER Police Inspector 0795

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Indian Summer Restaurant 9 High Street	
<b>Post town</b> Ross on Wye	<b>Post code (if known)</b> HR9 5HL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Awlad ALI
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<b>Number of premises licence or club premises certificate (if known)</b>
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) x
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Police Inspector 0795 Nick Semper Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any)
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)  
The employment of illegal immigrants is viewed as a serious criminal activity and the guidance issue under S182 of the Licensing Act 2003, indicates that the review process should be used in order to prevent such activity.

The employment of illegal immigrants undermines the licensing objective of the prevention of crime and disorder.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

At 1900hrs on Thursday 27 February 2014, and as a result of intelligence officers from the UK Border Agency attended a licensed premises known as the Indian Summer Restaurant, 9 High Street, Ross on Wye.

The purpose of the visit was to check the right to UK residency and employment status of staff.

At the time of the premises, it was open and customers were present.

On entering the premises one male ran away from them and was found a short time later hiding at the rear of the premises. It has been confirmed that this male was actually working as a waiter (and dressed accordingly) at the time of the visit. This male was detained and arrested as an illegal immigrant.

It is the view of West Mercia Police that the premises licence holder has failed to comply with his responsibilities with regards to checking the legal status of people prior to them being employed.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to this premises please state what they were and when you made them**

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
  - I understand that if I do not comply with the above requirements my application will be rejected x

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *[Handwritten Signature]*

Date 03.03.14

Capacity Police Inspector

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



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

**Premises licence number PR01156 (App for Minor Variation)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Indian Summer 9 High Street</b>	
Post town <b>ROSS-ON-WYE</b>	Postcode <b>HR9 5HL</b>
Telephone number <b>01989 566700</b>	

Where the licence is time limited the dates <b>Not applicable</b>
----------------------------------------------------------------------

Licensable activities authorised by the licence <b>Provision of refreshment or alcohol</b> 1. <b>Provision of late night refreshment (Indoors restaurant food served to seated clientele with alcohol available)</b> 2. <b>Sale by retail of alcohol (For consumption on the premises)</b>
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The times the licence authorises the carrying out of licensable activities <b>Monday-Saturday: 09:00 - 00:30</b> <b>Sunday: 09:00 - 23:30</b>  <b>Non standard timings: None</b>  <b>Seasonal variations: None</b>
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The opening hours of the premises <b>Monday-Saturday: 09:00 - 00:30</b> <b>Sunday: 09:00 - 23:30</b>  <b>Non standard timings: None</b>  <b>Seasonal variations: None</b>
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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>For consumption on the premises</b>
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**Part 2**

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

**Mr Awlad Ali**

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 Awlad Ali**

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:**

**Issuing authority: Gloucester City Council**

**Annex 1 - Mandatory conditions****Mandatory conditions where licence authorises 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.

**Additional mandatory conditions:**

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

**Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### **Smaller measures**

The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **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 objectives**

General:

The premises will be supervised at all times by the owner as a restaurant where all customers are seated and served at the table behaviour supervision is easier to achieve.

### **Prevention of Crime:**

Fully trained staff, dedicated supervision, fully seated customer allow control of crime and disorder. All alcohol is billed to allow monitoring of quantity. All of the table have dedicated serving staff who are trained on licensing objectives.

A log book 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), the Police or an officer of the UK Border Agency. The log book must record the following:

- a) Details of all persons employed at the premises in any capacity.
- b) Date of birth of the person.
- c) The full name of the person.
- d) Their current address.
- e) Their national insurance number.
- f) Their passport details.
- g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
- h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

### **Public Safety:**

Fire alarms, emergency lighting and clearly marked access and egress are all in place. As a

**Licensing Section, Herefordshire Council  
PO Box 233, Blue School House, Hereford, HR1 2ZB**

restaurant entry and exit happens in a controlled manner and is well spaced. Customers are usually prebooked and records of bookings are kept. Service staff are all uniformed and visible.

**Prevention of Public Nuisance:**

All areas are fully seated and are mainly for food consumption although alcohol would be available as an extra. Leaving the premises is controlled by booking customers in and is fully supervised. The external area is walled and mainly used during the daytime for food service. Both supervisors have 20+ years experience of licensed trade.

**Protection of Children:**

The restaurant is no smoking. All children must be accompanied. Suitable high chairs etc are available. All staff will be trained to manage children on the premises

**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 PR01156 (App for Minor Variation)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Indian Summer 9 High Street</b>	
Post town <b>ROSS-ON-WYE</b>	Post code <b>HR9 5HL</b>
Telephone number <b>01989 566700</b>	

Where the licence is time limited the dates <b>Not applicable</b>
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Licensable activities authorised by the licence <b>Provision of refreshment or alcohol</b> <b>1. Provision of late night refreshment (Indoors restaurant food served to seated clientele with alcohol available)</b> <b>2. Sale by retail of alcohol (For consumption on the premises)</b>
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The times the licence authorises the carrying out of licensable activities <b>Monday-Saturday: 09:00 - 00:30</b> <b>Sunday: 09:00 - 23:30</b>  <b>Non standard timings: None</b>  <b>Seasonal variations: None</b>
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The opening hours of the premises <b>Monday-Saturday: 09:00 - 00:30</b> <b>Sunday: 09:00 - 23:30</b>  <b>Non standard timings: None</b>  <b>Seasonal variations: None</b>
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Name, (registered) address of holder of premises licence <b>Mr Awlad Ali</b>
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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies  
**For consumption on 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 Awlad Ali**

State whether access to the premises by children is restricted or prohibited  
**Restricted**  
**All children must be accompanied.**