

AGENDA

Regulatory Sub Committee

Date: **Monday 21 December 2015**

Time: **11.00 am**

Place: **Committee Room 1, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: clive.lloyd@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor DW Greenow
Councillor MT McEvelly
Councillor AR Round**

AGENDA

		Pages
1.	<p>ELECTION OF CHAIRMAN</p> <p>To elect a Chairman for the hearing.</p>	
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the agenda.</p>	
3.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LUMINESCENCE LTD, 25 WIDEMARSH STREET, HEREFORD HR4 9EA - LICENSING ACT 2003</p> <p>To consider an application for the Grant of a premises licence in respect of Luminescence.</p>	9 - 64
4.	<p>EXCLUSION OF PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p>RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>1 Information relating to any individual.</p> <p>2 Information which is likely to reveal the identity of an individual.</p>	
5.	<p>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 11.5</p> <p>To decide whether to licence a vehicle outside the standards vehicle licence conditions</p>	65 - 78

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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.
- 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.
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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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

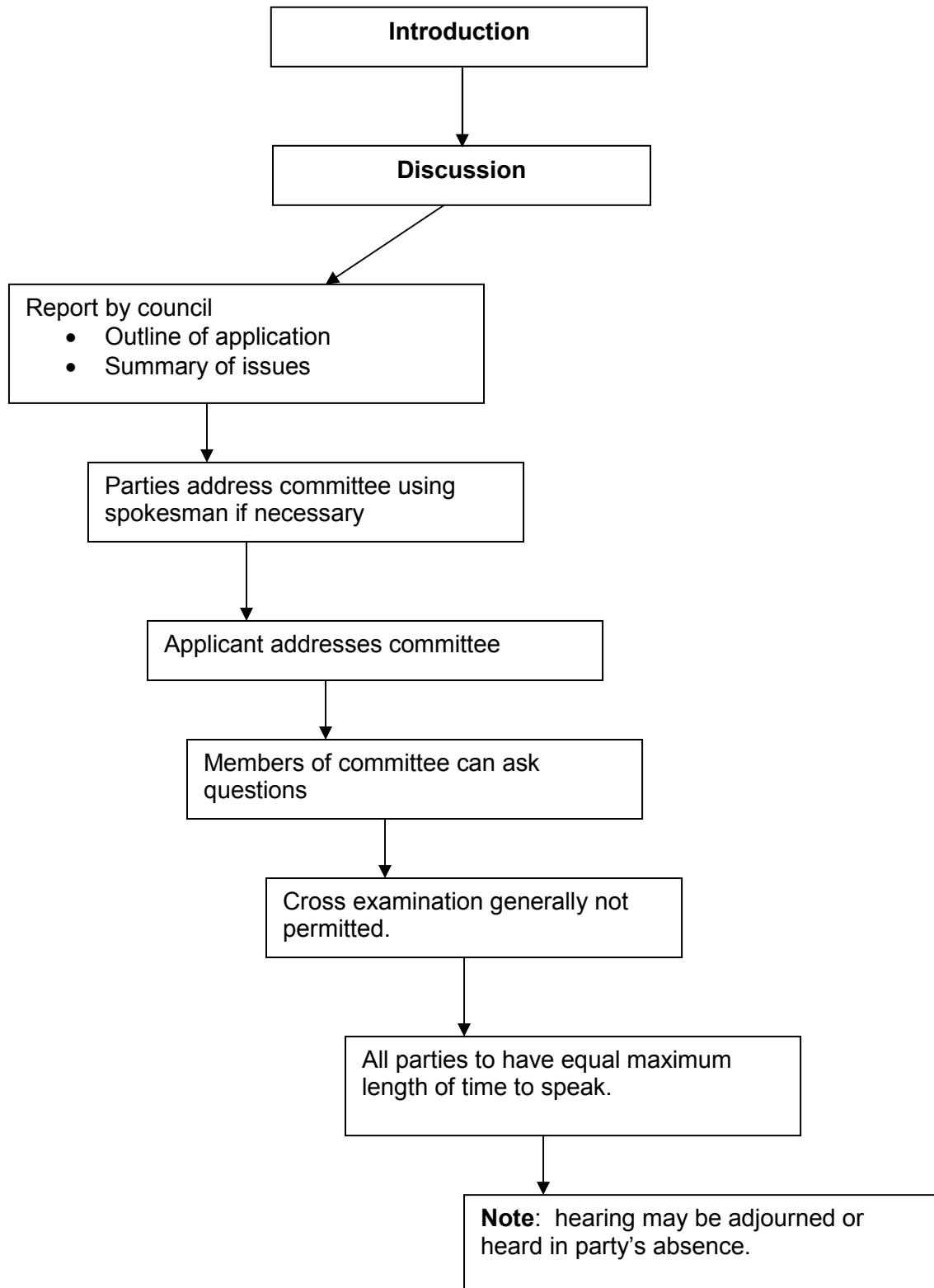
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You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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.

Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	Monday 21st December 2015 – 11:00am
Title of report:	APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LUMINESCENCE LTD, 25 WIDEMARSH STREET, HEREFORD HR4 9EA – LICENSING ACT 2003
Report by:	CLAIRE CORFIELD - LICENSING AND GYPSY TRAVELLER MANAGER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider an application for the Grant of a premises licence in respect of Luminescence.

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 representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Statement of Licensing Policy 2015 - 2020.

Options

1. There are a number of options open to the Sub-Committee:
 - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
 - c) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
 - d) To exclude from the scope of the licence any of the licensable activities to which the application relates,
 - e) To refuse to specify a person in the licence as the premise supervisor, or
 - f) To reject the application.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. **Licence Application**
The application for a grant of premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

Applicant	Luminescence Ltd 25 WIDEMARSH STREET, HEREFORD HR4 9EA	
Solicitor	None known	
Type of application: Variation	Date received: 29th October 2015	28 Days consultation ended 26th November 2015

5. **Summary of Application**
The application requests the grant of a premises licence to include the following:
 - The permitted hours for Plays, be authorised from 10.00 until 23.00 hours on all days of the week
 - That films and performance of dance be permitted from 0900 until 00.00 hours on all days of the week
 - That live music be permitted from 09.00 until 00.00 Mon-Fri and 09.00 until 01.30 Sat and Sun.

- That recorded music be permitted from 07.00 until 04.00 on all days of the week
- That late night refreshment be permitted from 23.00 until 03.00 on all days of the week
- That Supply of alcohol be permitted from 09.00 until 03.30 on all days of the week
- That the opening hours be 07.00 until 04.00 hours on all days of the week

6. **Summary of Representations**

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

Representations have been made by:

Four of the Responsible Authorities (**Licensing Authority**), (**Police**), (**Trading Standards**) and (**Environmental Health**), the Police and Trading Standards representations has been agreed with the applicant.

7. The matter is therefore brought before Committee for determination.

Community Impact

8. Any decision is unlikely to have any impact on the local community.

Equality duty

9. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

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

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'.

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

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

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

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

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

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

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

The stated case of 'The Queen on the application of JD Wethersoon PLC v Guildford Borough Council which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:

'The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

Right of Appeal

12. Schedule 5 gives a right of appeal which states:

Variation of licence under section 35

4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

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.

Risk Management

13. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Consultees

20. All responsible authorities and members of the public living within Herefordshire.

Appendices

- a) Application form
- b) West Mercia Police Representation
- c) West Mercia Police Amended Representation
- d) Trading Standards Representation
- e) Environmental Protection Representation
- f) Local Authority Objection
- g) Correspondence by Applicant

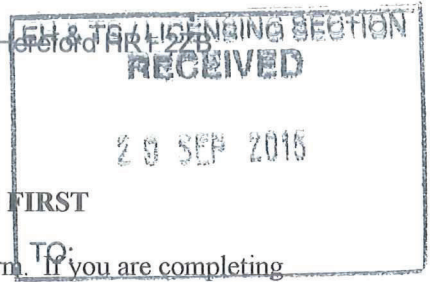
Background Papers

None.

29-10-15
26-11-15

PRO1701

Licensing Section, Herefordshire Council, Blueschool House, PO Box 233, Hereford HR1 2TB



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. ^{TO:} 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 Lauren Waring of Luminescence Limited

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 25 Widemarsh Steet			
Post town	Hereford	Postcode	HR4 9EA
Telephone number at premises (if any)		Not yet activated	
Non-domestic rateable value of premises		£Undetermined – Change of use	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)



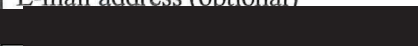
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Luminescence Limited / Lauren Waring (Director)
Address 
Registered number (where applicable) 09713415 – Company Number
Description of applicant (for example, partnership, company, unincorporated association etc.) Company with 1 director
Telephone number (if any) 
E-mail address (optional) 

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	1	1	2	0	1	5

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)
Restaurant/Café/Bar – Provisional Name CELLAR DOOR

Our Ethos

- High end Food
- Neo-Bistro fine and affordable dining
- Local produce and Traders (e.g Old Forge Ironworks for interiors)
- Sustainable, Seasonal and Ethically Sourced Produce
- Produce from our own restaurant garden.
- Special emphasis on quality vegetarian dishes
- Every element homemade to the highest standard

The Café

- Speciality teas and Freshly Ground Coffees
- High quality breakfasts
- Freshly squeezed juices and Smoothies
- Light lunches
- Sweet homemade Waffles and Crepes
- Homemade Pastries.



The Restaurant

- Neo-Bistro – Fine dining using more affordable, seasonal ingredients in a more informal dining environment
- Specialising in Shell Fish
- Hereford Beef 21-28 day hung Steaks
- High quality fine dining touches and presentation – Amuse bouche, Palette cleansers etc.
- Specialty cheeseboards with homemade jelly selections port accompaniments
- Complimentary wine pairing service



Bar and Beverages

- Fresh Cocktails
- Fine wines, Fortified Wines and Quality sprits
- Local Ales
- Freshly Blended/Juiced Smoothies
- Freshly ground coffee and specialty teas.
- No promotions that would encourage binge drinking



Other functions

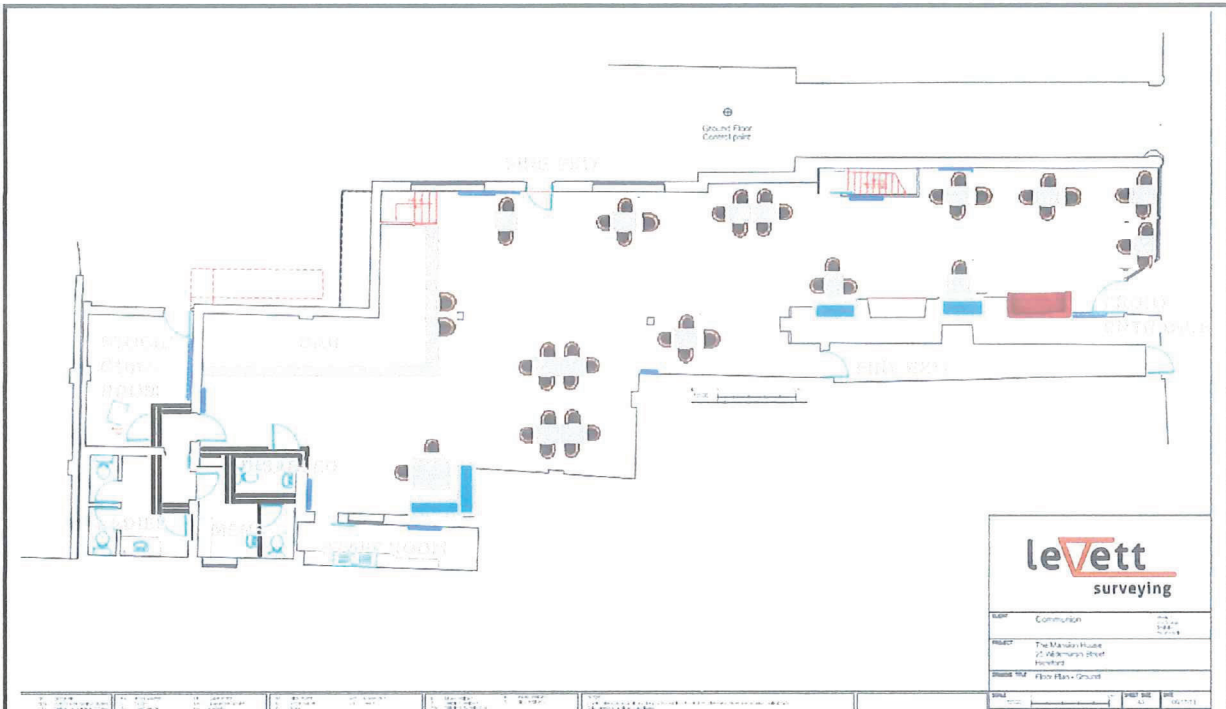
- Corporate
- Charitable, community and youth projects and fundraisers
- Small wedding ceremonies and receptions
- Christmas Party groups
- Themed nights
- Live jazz and piano nights
- Private hire parties

Facilities

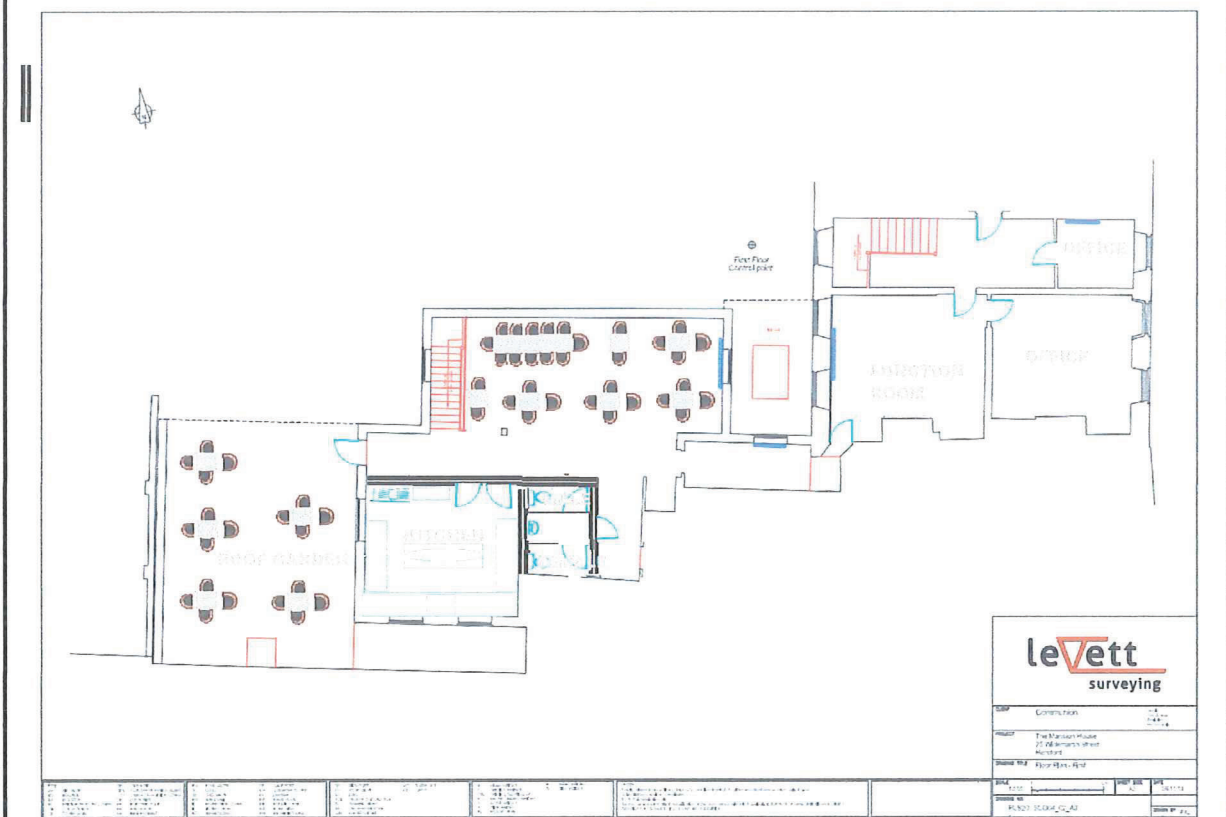
- New accessible Disabled bathroom with emergency alarm.
- New single sex Toilets on the ground and first floor.
- New Commercial Kitchen following the highest hygiene and safety standards.
- New Fire Alarm System
- Fire Escape and multiple Crash bar Fire Exits on site.
- New CCTV and Alarm system.
- New Chiller Room.
- New Air Conditioning Temperature Regulation System.

Floor Plan

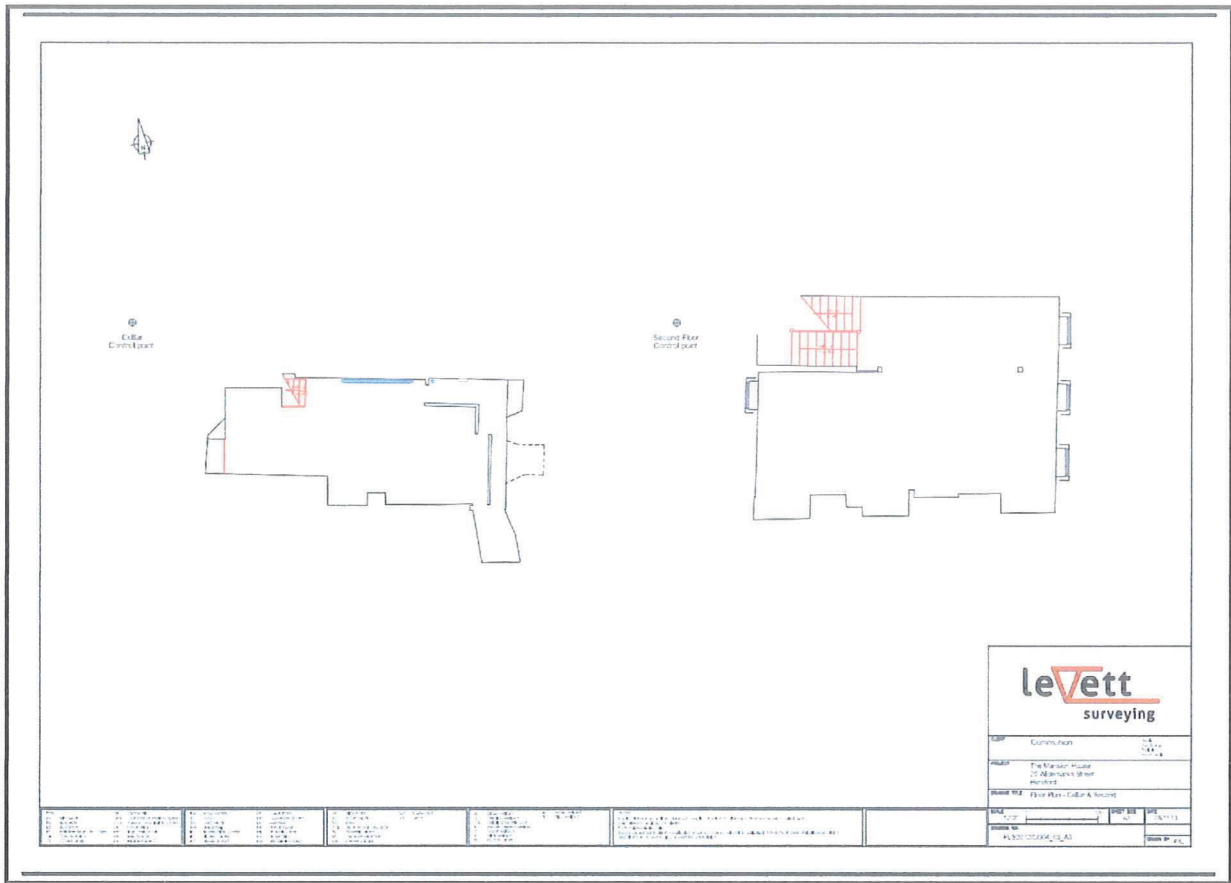
Ground Floor



First Floor



Cellar and Second Floor



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

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

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

Provision of regulated entertainment

Please tick any 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3) Community and charitable organisations may wish to use the establishment to fundraisers or youth theatre etc. We would like to be able to have shows or plays on that promote cultural enrichment within the community.		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 3) Community and charitable organisations may wish to use the establishment to fundraisers or film nights. We would like to be able to have films that promote cultural enrichment within the community. We may also wish to have imagery playing in the background on screens some of the time.		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) N/A		
Thur	10:00	00:00			
Fri	10:00	00:00	<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 5)		
Sat	10:00	00:00			
Sun	10:00	00:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)		
Day	Start	Finish			
Mon					
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)		

Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09:00	00:00	<u>Please give further details here</u> (please read guidance note 3) We would like the option of having live music on occasions, from Classical, Jazz to Modern. There are little or no domestic residences within an audible distance. Neither property on either side of the building inhabits any residents. We would also have a strict noise output level policy and window/door closing policy. We would like to be given the opportunity to prove we can use this permission responsibly and if there is any cause for concern raised in the future, we would fully expect to be reviewed on this matter and timings altered accordingly.		
Tue	09:00	00:00			
Wed	09:00	00:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) N/A		
Thur	09:00	00:00			
Fri	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Bank holiday Sunday's, Christmas eve, Boxing Day, New Years Eve, Valentines Day – 01:30		
Sat	09:00	01:30			
Sun	09:00	01:30			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Due to the small size of the outdoor area on the premises, any music played would always be at a low level. There are no domestic residences within the vicinity so we are confident that no disruption would be caused. Despite this, we would still be happy to discontinue any outdoor music between 00:00 – 09:00 daily if necessary.	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish						
Mon	07:00	00:00	<u>Please give further details here</u> (please read guidance note 3) In the spirit of the 2003 Licencing Act, we would like to be able to self-regulate these timings depending on the function in progress. The building is surrounded by non-residential sites. We would also have a strict noise output level policy and window/door closing policy. Our entire focus will be to promote the licencing objectives at all times and we would therefore act responsibly at all times. Music levels at the premises would never be played at a level where it would cause nuisance to local residents nor would it be audible from any of these residences. Regular noise surveys would be conducted to ensure this. If there is any cause for concern raised in the future, we would fully expect to be reviewed on the matter of these timings and have them altered accordingly.					
		00:00				04:00		
Tue	07:00	00:00						
	00:00	04:00						
Wed	07:00	00:00				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) N/A		
	00:00	04:00						
Thur	07:00	00:00						
	00:00	04:00						
Fri	07:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) N/A					
	00:00	04:00						
Sat	07:00	00:00						
	00:00	04:00						
Sun	07:00	00:00						
	00:00	04:00						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09:00	00:00	<u>Please give further details here</u> (please read guidance note 3) This may be in the form of entertainment to accompany food from a particular region, such as a Spanish Night. Dance performances would be infrequent.		
Tue	09:00	00:00			
Wed	09:00	00:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) N/A		
Thur	09:00	00:00			
Fri	09:00	00:00	<u>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</u> (please read guidance note 5) N/A		
Sat	09:00	00:00			
Sun	09:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:30	03:00	<u>Please give further details here</u> (please read guidance note 3) We may wish to offer small hot dishes to encourage responsible drinking and to assist at maintaining sobriety. Offering late night refreshment within the premises would ensure any hungry patrons do not leave the premises in search of other late night refreshment and will keep our guests inside. This provision may not be required frequently but we hope to be able to have a flexible license which would allow us this service.		
Tue	23:30	03:00			
Wed	23:30	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:30	03:00			
Fri	23:30	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:30	03:00			
Sun	23:30	03:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	9:00	03:30	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>In the spirit of the 2003 Licensing Act, although rarely used, we would like the option of being able to serve until 3:30 am at the latest if it was safe and appropriate to do so. We would follow all licensing guidelines to the letter and all staff actions would revolve around promoting the licensing objectives. If any problems arose in relation to this aspect of the License then we would welcome a review on this matter. We do not believe that this terminal hour would have a detrimental impact on our promotion the licensing objectives because of the nature of the establishment and due to the effective management of our team. Our target audience are statistically low risk in terms of commit crime or disorder. No additional customers would be ever be received after 01:30.</p> <p>As the premises is in a non-residential area there is little risk of disturbing any local people.</p> <p>This will be a premium establishment that will not be providing cheap alcohol or deals as this does not tie in with the image we are trying to portray.</p>		
Tue	9:00	03:30			
Wed	9:00	03:30			
Thur	9:00	03:30			
Fri	9:00	03:30			
Sat	9:00	03:30			
Sun	9:00	03:30			
			<p>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		

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

Name Lauren Waring

Address

[Redacted]

Postcode

[Redacted]

[Redacted]

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Opening hours will realistically, regularly change with demand but we would like the license to provide flexibility just in case required.
Day	Start	Finish	
Mon	07:00	00:00	
	00:00	04:00	
Tue	07:00	00:00	
	00:00	04:00	
Wed	07:00	00:00	
	00:00	04:00	
Thur	07:00	00:00	
	00:00	04:00	
Fri	07:00	00:00	
	00:00	04:00	
Sat	07:00	00:00	
	00:00	04:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Sun	07:00	00:00	
	00:00	04:00	

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

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

All of the following conditions and responsibilities we volunteer in the paragraphs below are to ensure that we are doing our utmost to protect our staff, local residents and the general public in respect to all four licencing objectives. We believe that our regimented commitment to the promotion of the licencing objectives will eradicate any potential detriment our establishment could have within the community and will help us to safeguard local residents. We believe our restaurant's ethos will contribute to growth in the community in a culinary, culturally and economically beneficial way.

We take special notice of the fact that the establishment is at the edge of the Cumulative Impact Zone though we do not believe that we will negatively impact on the community in any way because of our focus on primarily being a restaurant and café and because of the premium nature of the business model and the demographic that will attract. Please note that although the premises is within this zone, it is not within the major trouble hotspot and sits very close to the edge of this zone.

We wish to have flexibility with operational timings as this is in keeping with intention of the 2003 licensing act which places more responsibility on the licensee. This flexibility will allow us to maximise our business's potential. We acknowledge that that any causes for concern would be met with a Licensing Review whose guidance and advice we would welcome to ensure we are doing everything possible to promote the four licensing objectives.

We are committed to being totally transparent to assist local authorities in any way we can and to ensure that we have a positive effect in our community. We will liaise freely with these authorities and will provide any documentation or footage to help their aims.

We have thoroughly studied the Model Pool of Conditions and will adhere to all of the mandatory conditions listed there in. We will also adopt many other procedures and voluntary conditions to ensure the promotion of the licensing objectives. We also welcome any additional advice these authorities may give.

I wish to highlight the wider positive impact a business of this nature will have within Hereford. I am excited by the opportunity we have to positively contribute to the local community, both economically, aesthetically and socially. We are pleased to be able to offer a number of new job opportunities and will provide extra training courses for staff. I am confident that the establishment created will be innovative and creative and will therefore actively bring more tourists into the area. I wish to actively involve myself and my business in Community Projects and be part of a larger regeneration of High Town. We wish to promote culture

in Herefordshire and would be happy to support theatre groups and other charitable groups with use of our space.

We intend on boosting local economy through use of local produce and stocking of local micro-brewery/distillery products. We will be an establishment that represents quality, not quantity and will therefore naturally as well as actively discourage excessive drinking.

We support the use of ethically produced meats and wish to increase awareness of its importance in our community, therefore helping to support local ethical farmers. We intend on being a flagship operation for responsibility in the community.

I would encourage you to consider this application in the context of its positive contribution to the community and to please avoid thoughts of unsubstantiated fears or speculations based on its location on the edge of the Cumulative impact zone as the main function of the premises is as a fine dining restaurant.

The 2003 act puts more responsibility in the hands of the Licensee's and we are pleased that this act gives us the opportunity to show how a licensed premises can effectively promote the licensing objectives even with increased flexibility. We believe the flexibility of the licensing hours listed will give the business the best possibly chance of flourishing. Used responsibly and managed effectively, these hours do not have to compromise our promotion of the licensing objectives.

The location of the premises within the Cumulative Impact Zone is an important consideration for us and below I have outlined what I believe are all the necessary policies, actions and equipment we need to effectively promote the licensing objectives within this area of high town.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
2. SIA door staff will be employed on a risk assessed basis. A register shall be kept of door staff (date, arrival, departure, badge number). The door staff will ensure that no

- drunk, disorderly, underage, illegal drug users would be permitted entry and they will work with staff to keep the peace within the premises if necessary.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
 4. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
 5. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service
 6. The Premises Licence Holder/DPS has already successfully completed the BIIAB NCPLH level 2 (or recognised equivalent)
 7. 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 Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
 8. No admission of new customers will be allowed after 0130 hrs.
 9. Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.
 10. The DPS and staff shall ensure that no vessels are taken off the premises by customers
 11. No open containers will be removed from the premises.
 12. We will sign up to the HAND BAN so that we can liaise with other licenced premises to prevent crime and disorder.
 13. There will be regular staff meetings to discuss tactics to how best diffuse situations that arise to reinforce the initial training they receive from a registered body. There will also be regular assessments of the competence of management followed where necessary by additional training or disciplinary procedure.
 14. We adopt a zero-tolerance attitude to illegal drugs and door and other staff will be trained in recognising the signs to help identify drug users.
 15. Staff will call taxis for departing guests to help ensure their safe return home and to ensure people do not congregate on the streets.

c) Public safety

1. All staff shall wear clothing which identifies them as members of staff of the premises.
2. First aid A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain: 1 x Guidance Leaflet 6. 6 x Eye Pads with Bandage 8 x Triangular Bandages 12 x Safety Pins 16 x Assorted Sterile Dressings 20 Moist Wipes 3 Pairs Disposable Gloves
3. An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
5. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
6. The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.
7. All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
8. When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
9. Any security fastenings fitted to any escape doors/routes must be removed prior to the premises being opened to the public.
10. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely
11. Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.
12. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

13. Access for emergency vehicles is kept clear and free from obstruction.
14. All fire exits shall be clearly marked and a fire escape plan will be placed in a prominent location.
15. We have a zero tolerance drug policy. Anyone in possession of drugs or under the influence of drugs will not be permitted entry. Any drugs would be confiscated and the police informed.
16. CCTV outside the front door will offer a deterrent and therefore provide an area of relative safety for guests awaiting transport. (Swift departure will also be ensured by the location of a taxi rank outside the front door of the premises).
17. Staff will take a pro-active approach to frequently clearing glassware/vessels from tables, minimising a risk of injury from this glass and/or potential crime.

d) The prevention of public nuisance

1. All windows will be kept shut after 00:00 hours.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance
3. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
4. All doors and windows at the premises shall be kept closed after 00:00 except during immediate access and egress.
5. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernible' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
6. 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.
7. 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.
8. The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority.
9. No noxious smell emanating from the premises shall cause a nuisance to nearby properties.
10. Lighting outside premises including flashing lights shall not cause a nuisance to nearby properties, unless written consent has been obtained from the police to the effect that such lighting is necessary to promote the crime prevention objective.
11. The premises licence holder, or DPS, or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the premises so as to cause a nuisance to any person residing in premises situated at the closest residence where people reside to sleep.
12. Outdoor areas will be manned on a risk-assessed basis. Recorded music will cease in these areas between 00:00 and 08:00. At no time will noise emanate from the outdoor

areas so to cause nuisance.

13. Waste management – Waste will be emptied regularly and locked away to ensure no vermin are attracted and that no smell emits from it.
14. There will be designated and secure smoking areas to ensure no beverages are taken into public areas.
15. Door supervisors (Used on a risk assessed basis) will encourage anyone leaving the premises to be quiet and not linger in the doorway.
16. Staff will call taxis for guests so ensure their swift and safe departure. There is also a taxi rank right outside the building.

e) The protection of children from harm

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
2. No person under the age of 18 years shall be permitted to be on the premises after 2330 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS unless it is for a private function and they are accompanied by a parent or guardian e.g a wedding reception.
3. Identification - A valid driver's licence, a valid passport or an identity card carrying the PASS hologram shall be the only acceptable documentation in respect of proof age.

Checklist:

Please tick to indicate agreement

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

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

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

Signature	
Date	29/09/15
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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


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Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on 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'.

8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as premises supervisor

I LAUREN WARING
[full name of prospective premises supervisor]

of
25 WIDEMARSH STREET
HEREFORD
HR4 9EA
(BUSINESS)



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENSE
[type of application]

by
LAUREN WARING
[name of applicant]

relating to a premises licence _____
[number of existing licence, if any]

for
25 WIDEMARSH STREET
HEREFORD
HR1 4JY

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

LAUREN WARING
[name of applicant]

concerning the supply of alcohol at

25 WIDEMARSH STREET

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.



[name and address and telephone number of personal licence issuing authority, if any]

Signed

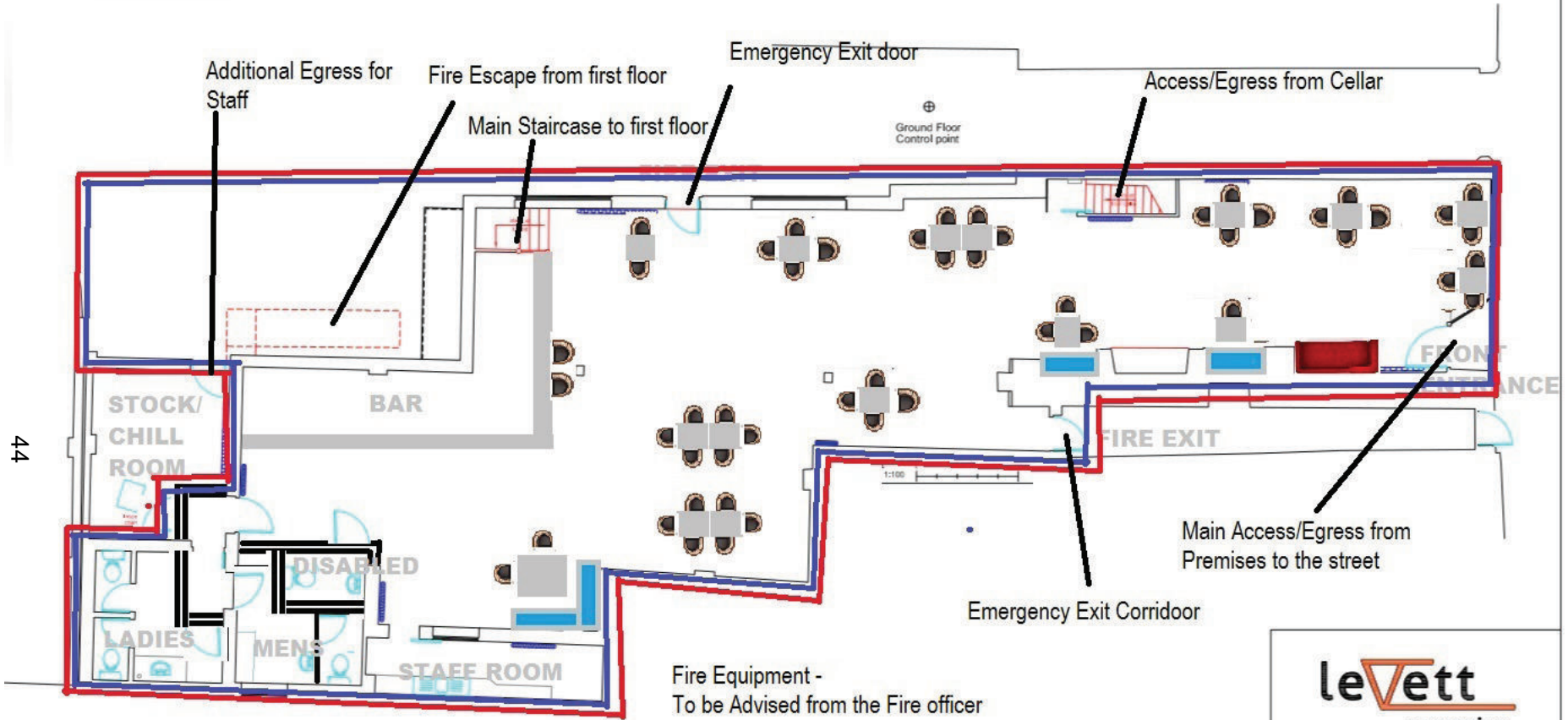


Name (please print)

LAUREN WARING

Date

2/10/2015



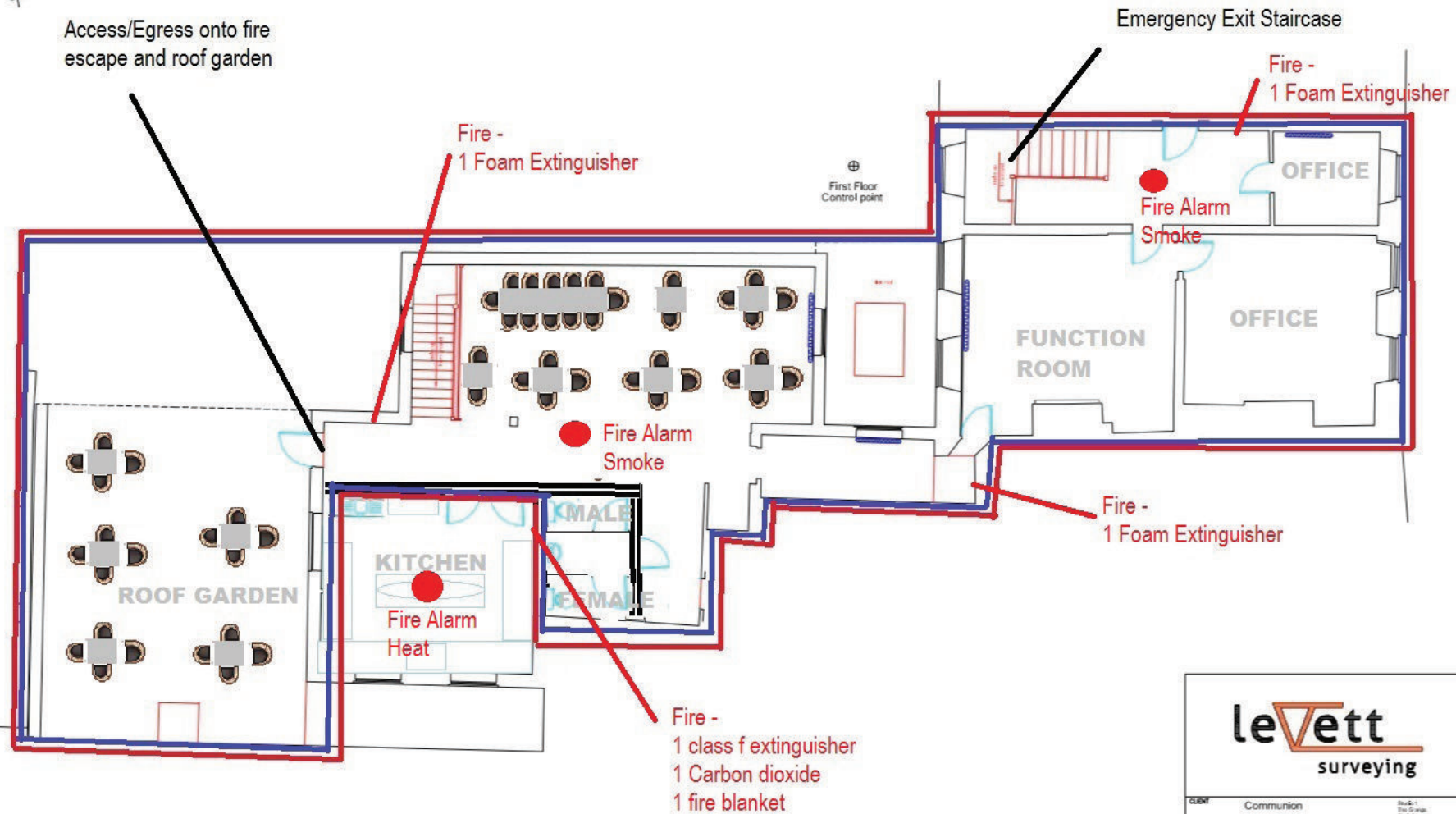
Fire Equipment -
To be Advised from the Fire officer

levett
surveying

CLIENT	Communion	Scale: The Green Triangle Herdon
PROJECT	The Mansion House 25 Widemarsh Street Hereford	
DRAWING TITLE	Floor Plan - Ground	
SCALE	1:100	SHEET SIZE: A3
		DATE: 06/11/13

CP CATCHING CONCRETE FRAMES/SLAB CIV CANALS/TRENCH/CONCRETE
 PW P/WL WATER
 SW SWIRL
 LP LAMP/POST
 MW M/WAY
 SP SPILL/POST
 SW SWIRL/POST
 ST STAY
 WD WASH-OUT
 WT WET
 B BRACK W/BLK
 C CHIMNEY
 CSU C/WALL/SLOPE UP
 H H/WALL/POST
 LL LIGHT
 S S
 TTD TTD
 N Notes
 Level: related to an arbitrary datum. Ground floor level at 20 m above mean sea level unless indicated otherwise.
 0:00 related to a datum.

44

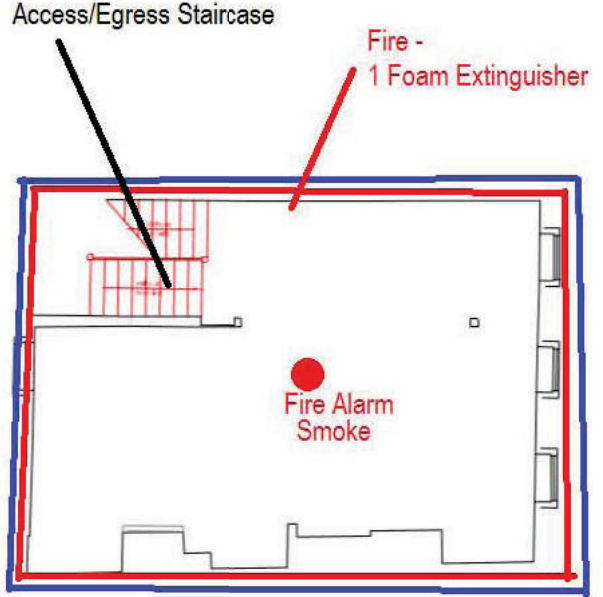
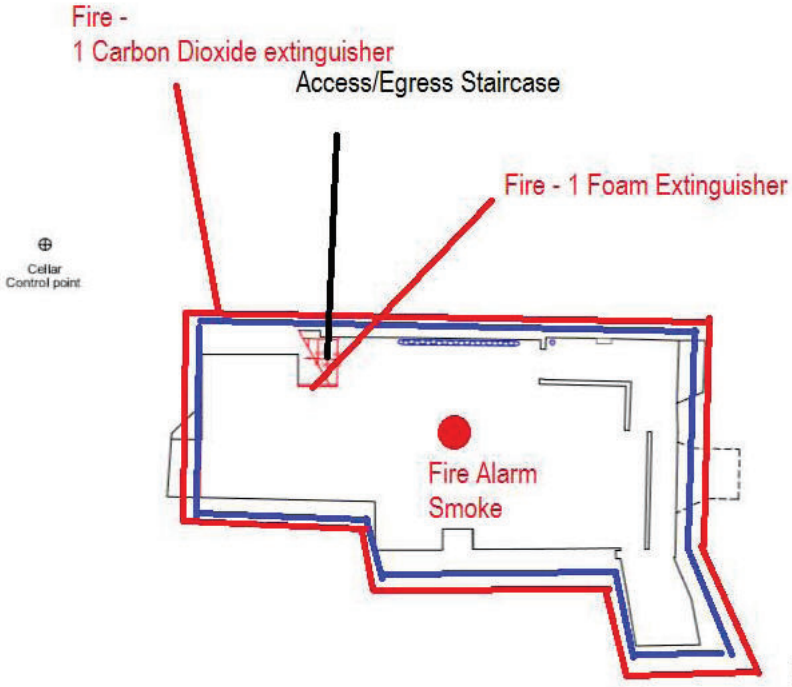


leVett
surveying

CLIENT	Communion	Scale: 1:100
PROJECT	The Mansion House 25 Widemarsh Street Hereford	DATE 06/11/13
DRAWING TITLE	Floor Plan - First	
SCALE	1:100	SHEET SIZE A3
DRAWING NO.	PLS2013COM_02_A3	DRAWN BY PAL

AD	ADJUSTMENT	AD	ADJUSTMENT	AD	ADJUSTMENT
AN	ANNULUS	AN	ANNULUS	AN	ANNULUS
AR	ARCHITECTURE	AR	ARCHITECTURE	AR	ARCHITECTURE
AS	ASBESTOS	AS	ASBESTOS	AS	ASBESTOS
AT	ATMOSPHERE	AT	ATMOSPHERE	AT	ATMOSPHERE
AW	AUTOMATIC	AW	AUTOMATIC	AW	AUTOMATIC
AX	AXIS	AX	AXIS	AX	AXIS
AY	AYR	AY	AYR	AY	AYR
AZ	AZURE	AZ	AZURE	AZ	AZURE
BA	BALANCE	BA	BALANCE	BA	BALANCE
BB	BALANCE	BB	BALANCE	BB	BALANCE
BC	BALANCE	BC	BALANCE	BC	BALANCE
BD	BALANCE	BD	BALANCE	BD	BALANCE
BE	BALANCE	BE	BALANCE	BE	BALANCE
BF	BALANCE	BF	BALANCE	BF	BALANCE
BG	BALANCE	BG	BALANCE	BG	BALANCE
BH	BALANCE	BH	BALANCE	BH	BALANCE
BI	BALANCE	BI	BALANCE	BI	BALANCE
BJ	BALANCE	BJ	BALANCE	BJ	BALANCE
BK	BALANCE	BK	BALANCE	BK	BALANCE
BL	BALANCE	BL	BALANCE	BL	BALANCE
BM	BALANCE	BM	BALANCE	BM	BALANCE
BN	BALANCE	BN	BALANCE	BN	BALANCE
BO	BALANCE	BO	BALANCE	BO	BALANCE
BP	BALANCE	BP	BALANCE	BP	BALANCE
BQ	BALANCE	BQ	BALANCE	BQ	BALANCE
BR	BALANCE	BR	BALANCE	BR	BALANCE
BS	BALANCE	BS	BALANCE	BS	BALANCE
BT	BALANCE	BT	BALANCE	BT	BALANCE
BV	BALANCE	BV	BALANCE	BV	BALANCE
BW	BALANCE	BW	BALANCE	BW	BALANCE
BX	BALANCE	BX	BALANCE	BX	BALANCE
BY	BALANCE	BY	BALANCE	BY	BALANCE
BZ	BALANCE	BZ	BALANCE	BZ	BALANCE
CA	CALIBRATION	CA	CALIBRATION	CA	CALIBRATION
CB	CALIBRATION	CB	CALIBRATION	CB	CALIBRATION
CC	CALIBRATION	CC	CALIBRATION	CC	CALIBRATION
CD	CALIBRATION	CD	CALIBRATION	CD	CALIBRATION
CE	CALIBRATION	CE	CALIBRATION	CE	CALIBRATION
CF	CALIBRATION	CF	CALIBRATION	CF	CALIBRATION
CG	CALIBRATION	CG	CALIBRATION	CG	CALIBRATION
CH	CALIBRATION	CH	CALIBRATION	CH	CALIBRATION
CI	CALIBRATION	CI	CALIBRATION	CI	CALIBRATION
CJ	CALIBRATION	CJ	CALIBRATION	CJ	CALIBRATION
CK	CALIBRATION	CK	CALIBRATION	CK	CALIBRATION
CL	CALIBRATION	CL	CALIBRATION	CL	CALIBRATION

Notes:
1. This drawing is an initial plan. Ground floor level is 20.00 meters above datum sea level. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are in millimetres unless otherwise stated.
3. All dimensions are in millimetres unless otherwise stated.
4. All dimensions are in millimetres unless otherwise stated.
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SERVICES AT SCALE: 1:50 & LARGER, UNLESS OTHERWISE STATED.



Fire Equipment -
To be Advised from the Fire officer

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CLIENT Communium		Drawn By The Comm Technica
PROJECT The Mansion House 25 Widemarsch Street Hereford		
DRAWING TITLE Floor Plan - Cellar & Second		
SCALE 1:100	SHEET SIZE A3	DATE 05/11/13
DRAWING NO. FLS2013CD04_03_A3		DRAWN BY PAL

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location to be called **Cellar Door, 25 Widemarsh Street, Hereford.**

The application is for the licensable activities of the sale/supply of alcohol, late night refreshment and regulated entertainment.

The applicant seeks to specify the designated premises supervisor (DPS) as Lauren WARING (who is also the applicant)

West Mercia Police do not object to this application.

It is recognised that the location is within the area designated as part of Herefordshire Councils licensing policy cumulative impact zone (CIZ). The CIZ is a special policy and seeks to control/manage the number of licensed premises within a particular area due to the concentration of premises and the high level of crime and disorder associated with them. The applicant has recognised this policy and has made submissions that promote the licensing objectives and further do not undermine the CIZ

When reviewing this application West Mercia Police have considered its impact on the CIZ. The location for the venue is currently vacant and has not been a licensed premises in the past (albeit it was in the early nineteenth century). It is in an area where there are 4 other licensed venues that are part of the late night economy of the city, and in addition a further venue has been licensed in recent months to operate within the same area and as part of the CIZ. This new premises is primarily to operate as a restaurant with facilities for music and alcohol sales.

The applicant has submitted steps to promote the licensing objectives. It is the view of West Mercia Police that they are sufficient. However to ensure clarity and promotion of the licensing objectives, the police have the following submissions

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. 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 recordable media format, 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
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3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing

the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

4. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be 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 faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

5. All 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 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.

6. No admission for new customers or re admissions for existing customers will be allowed to the premises after 0100 hrs

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

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. 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.

11. No person under the age of 18 years shall be permitted to be on the premises after 2300hrs other than a member of staff employed at the premises or a child of the premises licence holder or DPS

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

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

Regards

Jim Mooney
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,
Policing Unit - Herefordshire,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmercia.pnn.police.uk
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[#destinationHereford](#)

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www.warwickshire.police.uk and www.westmercia.police.uk



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www.warwickshire.police.uk/specialconstables

West Mercia Police:

www.westmercia.police.uk/specialconstables

Cellar Door, Widemarsh Street, Hereford - premises licence application

The principle of the amendment put forward by the applicant is understood, however the way it is written will make it difficult to achieve and therefore not enforceable.

You will see in the application the applicant has actually stated a time of 2330hrs with certain provisions as being the latest time when under 18's can be on the premises. To amend the condition as indicated does undermine the initial submission made by the applicant.

However West Mercia Police are prepared to amend their representation to read -

11. No person under the age of 18 years shall be permitted to be on the premises after **2330hrs** other than a member of staff employed at the premises or a child of the premises licence or DPS

I have copied this e-mail to the applicant and if she agrees I would suggest you let the authority know as soon as possible

Regards

Jim Mooney (on behalf of Inspector 0795 SEMPER)
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,
Policing Unit - Herefordshire,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmerciam.pnn.police.uk
[In Herefordshire we protect people from harm](#)
[#destinationHereford](#)

From: Wilson, Leah [<mailto:LWilson@herefordshire.gov.uk>]
Sent: 13 November 2015 13:30
To: 'lauren.waring1@gmail.com' <lauren.waring1@gmail.com>
Cc: Licensing <licensing@herefordshire.gov.uk>
Subject: Application for a Premises Licence

Dear Mrs Waring

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your **application for a premises licence for Luminescence Ltd, 25 Widemarsh Street, Hereford HR4 9EA.**

Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

After looking at your application under the section protection of children from harm we would seek to include the following conditions on the premises licence:

2. 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 course approved 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. Refresher training will be conducted at 6 monthly intervals. 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 or electronic 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. It will be collected and reviewed 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/serving area advertising the scheme operated.

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

If you wish to discuss this matter further please do not hesitate in contacting me on 01432 260163, lwilson@herefordshire.gov.uk

Yours sincerely

Miss Leah Wilson | BSc DTS MTSI | Trading Standards Officer |
Trading Standards & Animal Health | Economy, Communities & Corporate
Directorate | Herefordshire Council | Blue School House, PO Box 233, Hereford HR1
2ZB
Tel: 01432 260163 | Fax: 01432 261982 | Email: lwilson@herefordshire.gov.uk
| GCSX: lwilson@herefordshire.gcsx.gov.uk

Council's Homepage www.herefordshire.gov.uk

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MEMORANDUM

To : **LICENSING OFFICER**

From : **Josie Warren-McCauley**

Tel : **01432 260158** My Ref : **JWM/191548/EBO/PR01701**

Date : **4 November 2015** Your Ref :

LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
Luminescence Limited 25 Widemarsh Street, Hereford, Herefordshire, HR4 9EA

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE <ul style="list-style-type: none"> • All windows will be kept shut after 23.00hrs • Noise and vibration shall not emanate from the premise so as to cause a nuisance • All doors will be kept closed after 23.00hrs except during immediate access or egress • Live or recorded music shall be restricted to the area marked on the premises plan • No music in the outside areas after 23.00hrs • Outside tables and chairs shall be rendered unusable after 23.00hrs • No waste such as bottles or refuse shall be placed outside the premise between 23.00hrs and 08.00hrs 	
PROTECTION OF CHILDREN FROM HARM	

REFERENCES

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

JWM

JOSIE WARREN-MCCAULEY
TECHNICAL OFFICER
HEREFORDSHIRE COUNCIL

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of the 'Luminescence Limited 25 Widemarsh Street, Hereford, Herefordshire, HR4 9EA.

The Licensing Authority must **object** to the licence as applied for.

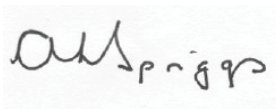
It is disappointing to note that whilst the premises is within the area covered by the Herefordshire Council Special Policy the applicants solicitor has failed to mention this or to consider the impact on the public nuisance licensing objective caused by customers arriving at and leaving the premises.

The guidance under Section 182 of the Act states:

- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

Whilst the applicant has offered a number of conditions none of the above issues have been addressed.

It is also noted that the application is in effect for adhoc hours which are excessive and go beyond most other premises which are operating within the area. The effect of granting the licence will be to further extend the effects of the night time economy with in this area. In addition there are residential properties which are located over other business which may be affected.



Fred Spriggs
Licensing Officer

Dear Emma and Mr Mooney,

Thank you very much for responding to my submission of the premises license for 25 Widemarsh Street. The recommendations you have made are very reasonable and valid and will assist in the promotion of the licensing objectives. I am happy to include all of these points as conditions on the license although I was hoping I might propose a slight amendment to point 11 to allow for diners under the age of 18 that are finishing up their meals after the 2300hrs deadline.

Original point:

11. No person under the age of 18 years shall be permitted to be on the premises after 2300hrs other than a member of staff employed at the premises or a child of the premises licence or DPS

Proposed point:

11. No person under the age of 18 years shall be permitted to be on the premises after 2300hrs other than a member of staff employed at the premises or a child of the premises licence holder or DPS or diners that are completing a meal that are under the age of 18 when in the company of a guardian over the age of 18. No under 18s are permitted to stay on the premises after their dining experience is complete when it is past 2300hrs.

I am just aware that a fine dining experience can take over 2 hours which may affect younger guests that are dining with family members. Please confirm if you are happy to go ahead with the amended point 11 and please adapt the wording to improve its clarity or alter its meaning if you see fit.

I look forward to hearing from you.

Thank you again.

Best wishes,

Lauren

Lauren Waring

The Elms
Church Lane
Hampton Bishop
Hereford
HR1 4JY

01432 870 552
07805 374 602

From: Bowell, Emma [<mailto:embowell@herefordshire.gov.uk>] **On Behalf Of** Licensing

Sent: 24 November 2015 10:55

To: Lauren Waring (lauren.waring1@gmail.com) <lauren.waring1@gmail.com>

Subject: FW: Cellar Door, 25 Widemarsh Street, Hereford - new premises application

Hi Lauren

Please see attached representations made by West Mercia Police

If you agree to these conditions could you email licensing@herefordshire.gov.uk and licensing.herefordshire@westmercia.pnn.police.uk

If you wish to discuss this matter further please do not hesitate in contacting Jim Mooney on 01432 347102

Yours sincerely

Emma Bowell

Licensing Technical Officer
Environmental Health & Trading Standards,
Places & Communities Directorate
Herefordshire Council, Blueschool House, Blueschool Street
Hereford.
HR1 2ZB
Tel: 01432 261761
Fax: 01432 261982
email: licensing@herefordshire.gov.uk

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Council's Homepage www.herefordshire.gov.uk

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Save paper - please only print out this message if you really need to.

From: Mooney,James [<mailto:james.mooney@westmercia.pnn.police.uk>]

Sent: 18 November 2015 15:21

To: Licensing

Cc: Semper,Nick

Subject: Cellar Door, 25 Widemarsh Street, Hereford - new premises application

NOT PROTECTIVELY MARKED

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Regards

Jim Mooney
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,
Policing Unit - Herefordshire,
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