

AGENDA

Regulatory Sub Committee

Date: **Monday 20 June 2016**

Time: **2.00 pm**

Place: **Committee Room1, 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

If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail clive.lloyd@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor PA Andrews
Councillor CR Butler
Councillor AR Round

AGENDA

| | Pages |
|---|--------------|
| 1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing. | |
| 2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda. | |
| 3. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'KUBUS POLSKI SKLEP, 22 EIGN GATE, HEREFORD, HR4 0AB' - LICENSING ACT 2003 To consider an application for a new premises licence in respect of the 'Kubus Polski Sklep, 22 Eign Gate, Hereford, HR4 0AB'. | 9 - 34 |

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.
- **RECORDING OF THIS MEETING**
 - Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.
 - Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.
 - The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Public Transport Links

There are bus stops directly outside the building. Hereford train station is a 15 minute walk, Hereford country bus station and Hereford city bus station are both a 5 minute walk from the Shirehall.

HEREFORDSHIRE COUNCIL

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

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

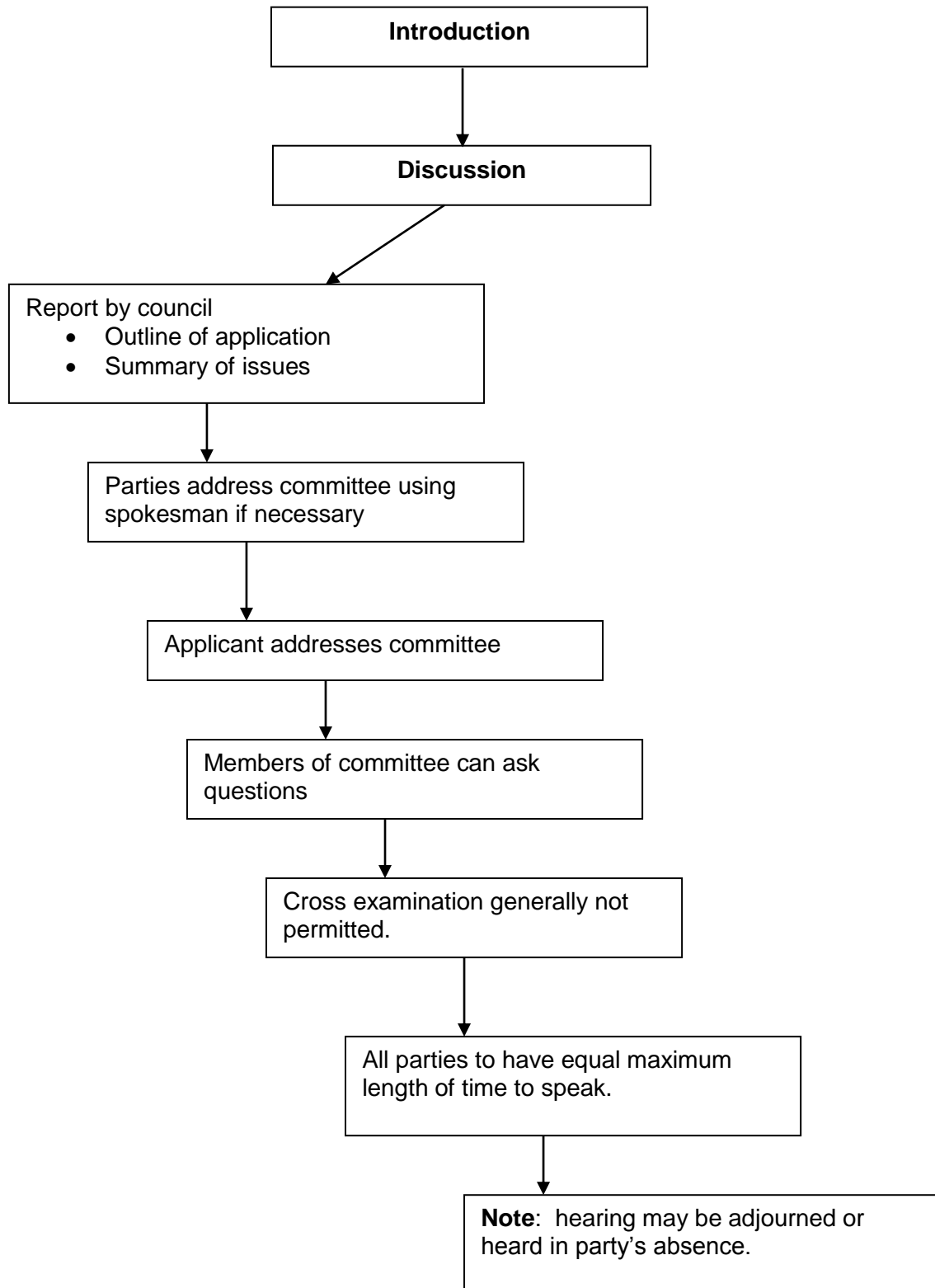
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to 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: | 20th June 2016 |
| Title of report: | APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'KUBUS POLSKI SKLEP, 22 EIGN GATE, HEREFORD, HR4 0AB' – LICENSING ACT 2003 |
| Report by: | FRED SPRIGGS - LICENSING OFFICER |

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for a new premises licence in respect of the 'Kubus Polski Sklep, 22 Eign Gate, Hereford, HR4 0AB'.

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 (appendix a) for a new premises licence has received representation and is brought before the committee for determination.
- 4. The matter appeared before this committee on 1st June were the matter was adjourned to todays date at the request of the applicant.

Summary of Application

- 5. The details of the application are:

| | | |
|------------------------------------|--|--|
| Applicant | Agnieszka Gizak 22 Eign Gate, Hereford, HR4 0AB | |
| Solicitor | N/K | |
| Type of application: New | Date received: 7th April 2016 | 28 Days consultation ended 4th May 2016 |

- 6. The application requests that:
Supply of Alcohol (Off premsies)
0800 – 2200 All days

Non Standard Timings: None

Summary of Representations

- 7. **Two (2)** Representations has been received from the Responsible Authorities (Trading Standards and the Police). The police object to the licence being granted.

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

Trading Standards requested a number of conditions which have been agreed. The representations from the police and trading standards can be found at appendix b & c.

8. The police have requested that the committee impose the conditions as shown at appendix d if they are mindful to grant the application.
9. The matter is brought before Committee for determination.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

13. 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.

Right of Appeal

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

Decision to grant premises licence or impose conditions etc.

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

Risk Management

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

Consultees

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

Appendices

- a. Application Form
- b. Police Representation
- c. Trading Standards Representation
- d. Police suggested conditions

Background Papers

None.

PRO1720



Herefordshire
Application for a premises licence
Licensing Act 2003

For help contact
 ethelpline@herefordshire.gov.uk
 Telephone: 01432 261761

TO:

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Agnieszka

Family name

Gizak

Is the applicant 18 years of age or older?

- Yes
- No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as in section one?

Yes

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

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

/ /
dd mm yyyy

Provide a general description of 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.

Grocery shop situated in established and popular commercial location.

Although the supply of alcohol is planned there is no intention to allow consumption in the premises or to provide the place for consumption.

Continued from previous page...

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

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Continued from previous page...

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

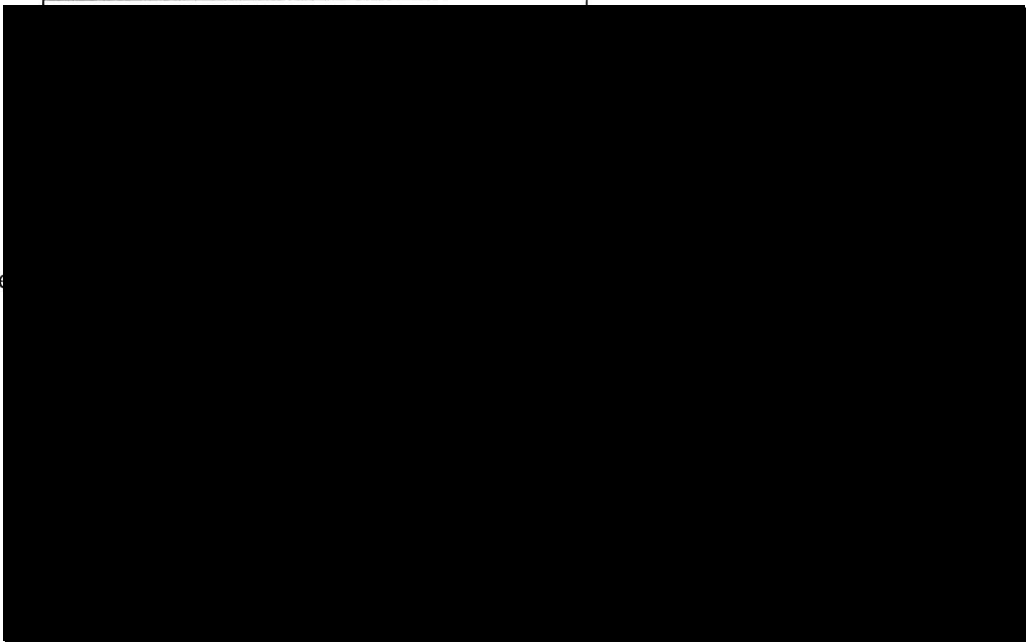
County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)



Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

We intend to supply an alcohol products, but we are going to adopt, challenge 25 policy and policy of proof of age cards
- We will be trying to protect children from exposure to strong language
- staff allowed to sell alcohol is provided with a training
- we will always require the production of proof of age when alcohol is purchased by customer looking under 25 years of age
- all the spirits 40% or above will be located behind the counter

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

We demonstrate consideration for underage drinking, violent & antisocial behaviour, crime and disorder, prevention and also for public safety and protecting children from harm. To promote all this objectives we are provided with the equipment (including CCTV systems, fire alarms and procedures) necessary to reduce and control incidents of crime and disorder. We also provide the required training procedures for our staff

b) The prevention of crime and disorder

- CCTV operating inside the premises, where the images are retained form minimum of 30 days and can be provided in viewable format upon request
- avoidance of irresponsible alcohol drink promotions
- avoidance of supplying any alcohol products to customers being visibly under the influence of alcohol
- proof of age policy and challenge 25 policy will be applied
- there is no intention to provide drinking areas

Continued from previous page...

- use of signs to make people aware of CCTV operation

c) Public safety

- providing the satisfactory means of escape in case of fire
- use of fire action notices
- fire alarms installed in the premises
- first aid equipment available
- adequate lighting in the absence of a daylight

d) The prevention of public nuisance

-we will not carry on any activities which may cause any nuisance to the people living, working and sleeping in vicinity (like noise, bad smells etc.) and we will make an effort to keep our premises and neighbouring area clean and tidy.
We also ensure that any act of anti-social behaviour related to our premises will be monitored, reported (if we can't stop it ourselves) and pacified.
We also don't intend to provide any place for alcohol consumption

e) The protection of children from harm

We intend to supply an alcohol products, but we are going to adopt, challenge 25 policy and policy of proof of age cards
-We will be trying to protect children from exposure to strong language
-staff allowed to sell alcohol is provided with a training
-we will always require the production of proof of age when alcohol is purchased by customer looking under 25 years of age
-all the spirits 40% or above will be located behind the counter

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Premises Licence Fees are determined by the non domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

| | |
|----------------------------|----------|
| Band A - No RV to £4300 | £100.00 |
| Band B - £4301 to £33000 | £190.00 |
| Band C - £33001 to £87000 | £315.00 |
| Band D - £87001 to £125000 | £450.00* |
| Band E - £125001 and over | £635.00* |

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

| | |
|----------------------------|-----------|
| Band D - £87001 to £125000 | £900.00 |
| Band E - £125001 and over | £1,905.00 |

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

| | |
|-------------------------|------------|
| Capacity 5000-9999 | £1,000.00 |
| Capacity 10000 -14999 | £2,000.00 |
| Capacity 15000-19999 | £4,000.00 |
| Capacity 20000-29999 | £8,000.00 |
| Capacity 30000-39999 | £16,000.00 |
| Capacity 40000-49999 | £24,000.00 |
| Capacity 50000-59999 | £32,000.00 |
| Capacity 60000-69999 | £40,000.00 |
| Capacity 70000-79999 | £48,000.00 |
| Capacity 80000-89999 | £56,000.00 |
| Capacity 90000 and over | £64,000.00 |

* Fee amount (£)

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Agnieszka Gizak

* Capacity

business owner

* Date

22 / 03 / 2016
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

| | |
|----------------------------|---|
| Applicant reference number | <input type="text" value="KUBUS POLSKI SKLEP"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) Next >



HEREFORDSHIRE
COUNCIL

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

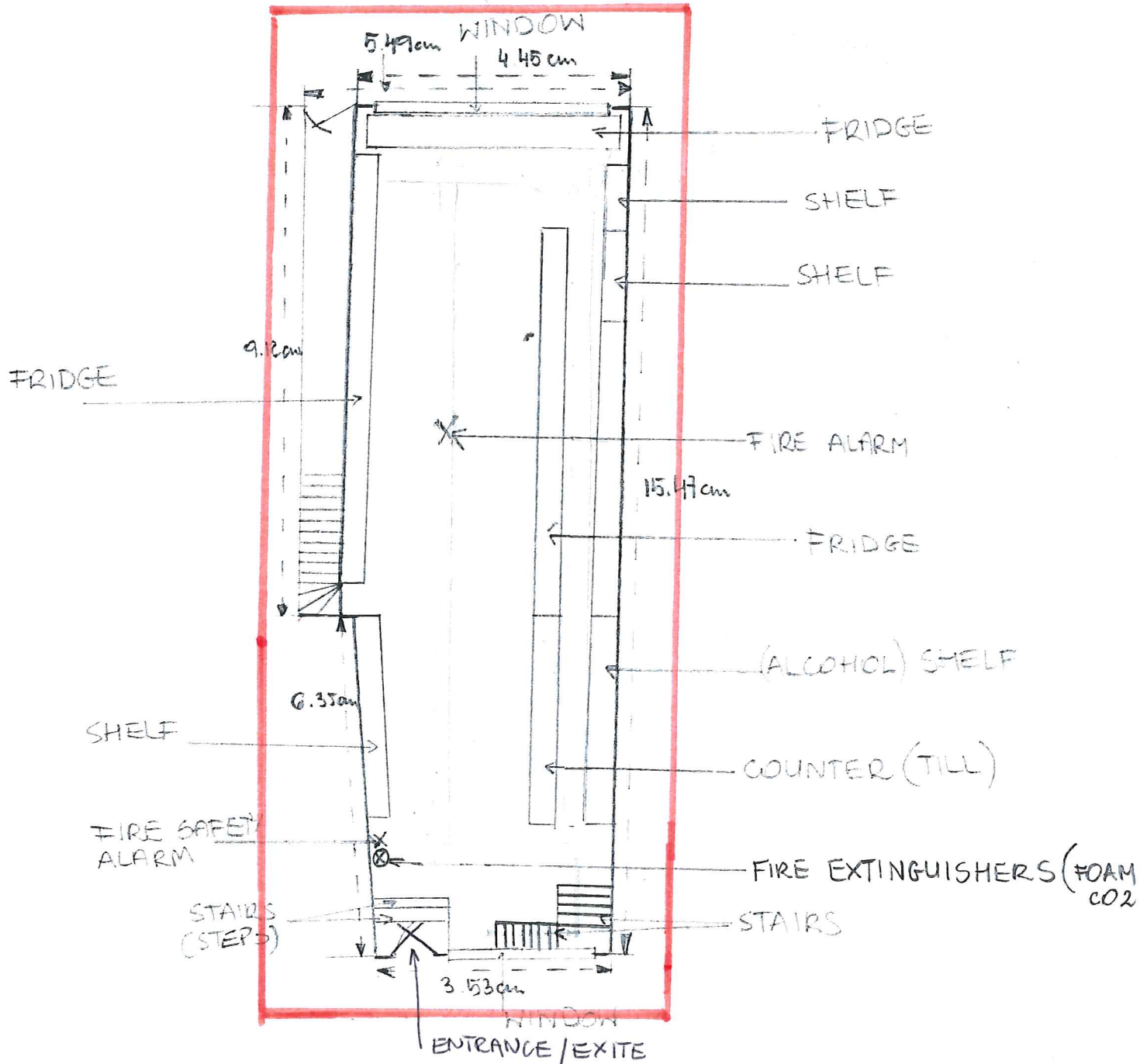
I, AGNIESZKA GIZAK.....[insert first names and surname of
prospective premises supervisor] hereby consents to being named as the
premises supervisor in a new licence granted under paragraph 4 of Schedule 8
to the Licensing Act 2003 to KUBUS POLSKI SKLEP.....[insert
full name of applicant] ~~in respect of the application to convert an existing justices'~~
~~licence held by the applicant/~~ where the holder of the licence has consented to
the application being made by the applicant [delete as applicable] for KUBUS POLSKI SK
22 EIGN GATE HEREFORD
HR4 0AB.....[Insert name and
address of the existing licensed premises] if that application is successful.

Dated 22.03.2016

GROUND FLOOR LAYOUT AT 22 EIGN GATE,
HEREFORD,
HR4 0AB

KURBUŚ POLSKI SKLEP

SCALE 1:100



— RED LINE FOR LICENSABLE ACTIVITY

⊗ FIRE EXTINGUISHERS (FOAM, CO2)

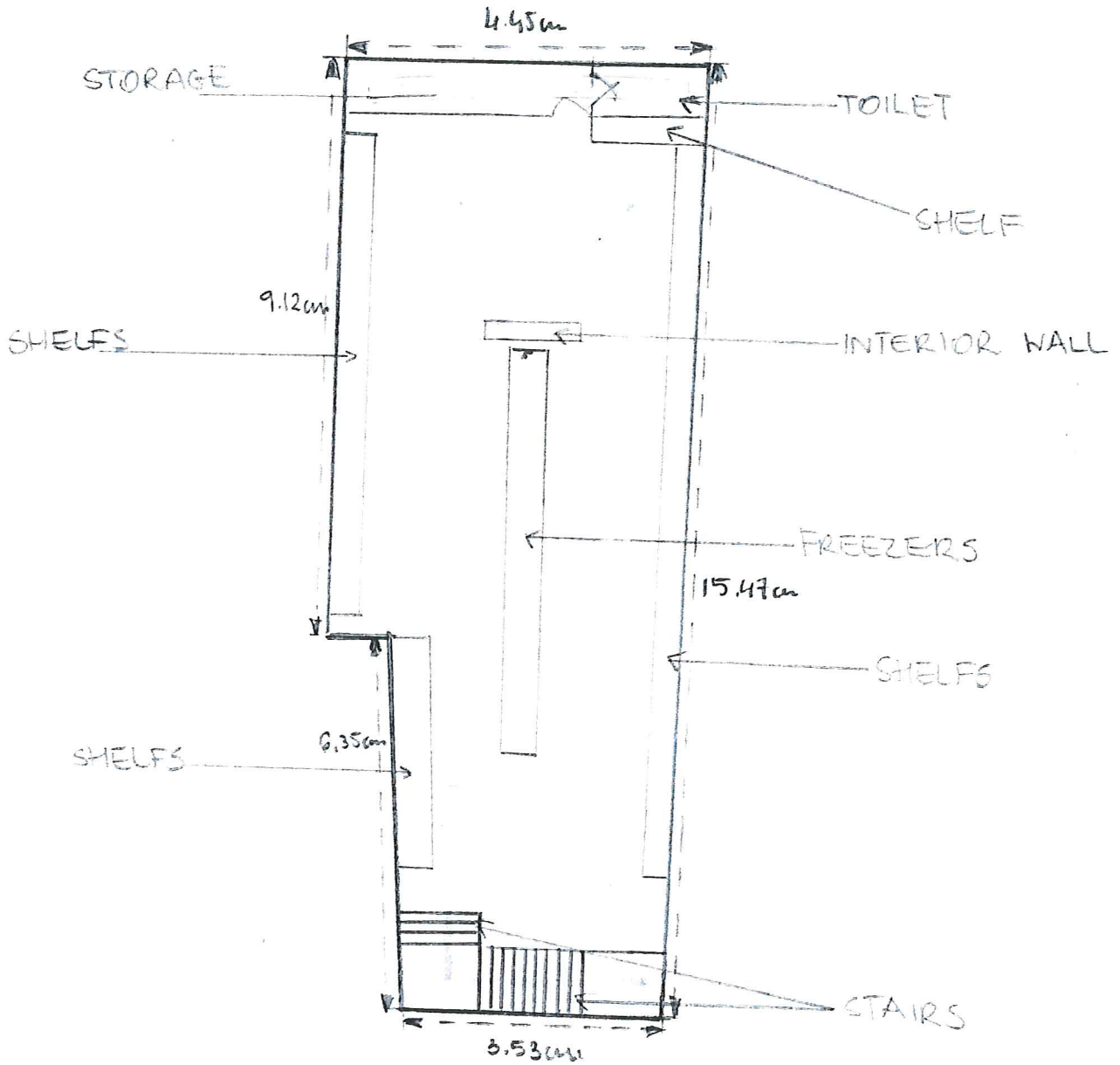
X FIRE SAFETY

▧ STAIRS

⊗ DOOR

BASEMENT FLOOR LAYOUT AT 22 EIGN GATE,
HEREFORD.
HR4 0AB

SCALE 1:100



NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a premises licence for a location known as **Kubus Polski Skelp, 22 Eign Gate, Hereford**. The applicant is for the licensable activity of the sale/supply of alcohol.

The application seeks to specify the designated premises supervisor as Agnieszka GIZAK. She is also the applicant for the premises licence

West Mercia Police **OBJECT** to this application on the grounds to grant it will undermine the licensing objectives.

This premises is an established premises and was licensed for similar activities until November 2015. At that time the then premises licence holder informed the Licensing Authority that they wished to surrender the premises licence. However it appears that due to an oversight, his information was not passed to the police at the time and they only became aware of it at a later date.

In January 2016, the police attended the premises as a result of noticing that the shop name had changed. They spoke to the applicant for this matter - Agnieszka GIZAK - who informed them she was the manager and was in the process of taking over the lease. At this time alcohol was openly on display.

On the 17 March 2016, during discussions with the authority, the police became aware that the premises licence had been surrendered in November 2015. The police attended the address and found alcohol openly on display. Telephone conversations took place with Ms GIZAK, who clearly indicated that the business was still being run and owned by the previous licence holder and that she had not taken over the lease. She said that there was an 'alcohol licence' still in place. As a result of further conversations Ms GIZAK admitted that she ran the shop and after strong advice she removed all alcohol that was openly on display for sale.

The concern West Mercia Police have is that there is uncertainty with regards to who actually owns the premises and is ultimately responsible for the potential licensable activities that are proposed. It is the view of the police that the applicant for this application - Ms GIZAK - has misinformed the police and she has undertaken unlicensed licensable activities when in a position of authority for a period of at least 4 months.

Therefore the police feel to grant this application will undermine the licensing objectives.

Regards

Jim Mooney (on behalf of Inspector 0795 Semper)

Harm Reduction/Community Safety Dept.,

Licensing & Harm Reduction Coordinator,

Policing Unit - Herefordshire,

West Mercia Police.

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Dear Ms Gizak

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 Kubus Polski Sklep, 22 Eign Gate HR4 0AB.

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:

1. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course 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 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 to contact me on 01432 260163, lwilson@herefordshire.gov.uk

Leah Wilson (Miss) | 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
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Council's Homepage www.herefordshire.gov.uk

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WEST MERCIA POLICE CONDITIONS

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.
2. 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 (relevant to the licensing objectives) reported to the venue
 - (b) any complaints (relevant to the licensing objectives) received
 - (c) any faults in the CCTV system or searching equipment or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
3. 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 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.

4. 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.
5. 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 serving counter advertising the scheme operated.