

Agenda

Licensing sub-committee

Date: Monday 21 January 2019

Time: **10.00 am**

Place: Committee Room 1The 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:

Caroline Marshall, Governance Services

Tel: 01432 260249

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing subcommittee

Membership

Councillor DW Greenow Councillor KS Guthrie Councillor FM Norman Herefordshire Council 21 JANUARY 2019

Pages

Agenda

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive any details of Members nominated to attend the meeting in place of a Member of the committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.

4. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 11 - 48 'FORGE FILLING STATION, WORMBRIDGE, HEREFORD. HR2 9DH' - LICENSING ACT 2003

To consider an application for a new premises licence in respect of Forge Filling Station, Wormbridge, Hereford. HR2 9DH.

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

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

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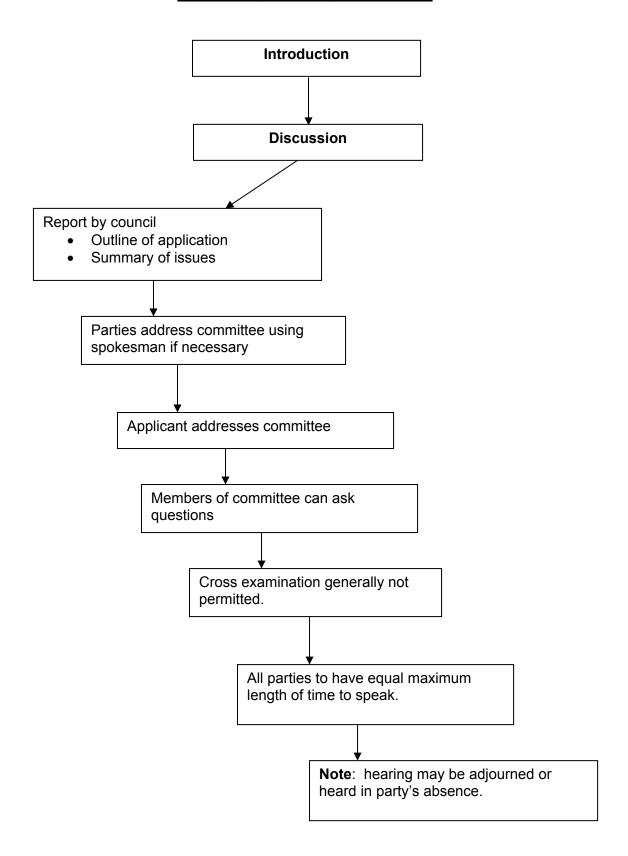
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Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	21 January 2019
Title of report:	Application for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford. HR2 9DH' – Licensing Act 2003
Report by:	Licensing Technical Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Wormside

Purpose

To consider an application for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford. HR2 9DH'.

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,

- b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003.
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

Licence Application

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

Applicant	Karl Hawkins	
	Forge Filling Station, Wormb	ridge, Hereford. HR2 9DH
Solicitor	Not applicable	
Type of application:	Date received:	28 Days consultation ended
application.	27 November 2018	24 December 2018
New		

5. Summary of Application

The application (appendix 1) requests a new premises licence to allow the following licensable activities, during the hours shown as follows:

Sale/Supply of Alcohol (consumption off the premises) Monday – Saturday 08:00-21:30 Sunday 10:00-21:30

Summary of Representations

7. Two (2) representations have been received from the responsible authorities (local authority and trading standards).

- 8. The local authority has objected (appendix 2) to the licence.
- 9. Trading standards have made representations that have not been agreed by the applicant (appendix 3).
- 10. Goods vs Fuel sales from May 2018 November 2018 has been submitted by the applicant (appendix 4) along with a petition of support (appendix 5).

Community Impact

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

Equality duty

- 12. There are no equality issues in relation to the content of this report.
- 13. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
- 14. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol Article 1 also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

- 16. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
- 17. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
- 18. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

19. 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.

- 20. 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.
- 21. 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'.

- 22. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
- 23. The sub committee should also be aware of the stated case of R (on application of Murco Petroleum Ltd) v Bristol City Council [2010] EWHC 1992 (Admin). In this case it was summed up that:

Responsible Authorities should be encouraged by this case to ask applicants to provide further information they believe will help them understand the application more fully. If that information is not provided by the applicant, Responsible Authorities can make representations to licensing committees who have the power to require that the request is met.

Mr Justice Cranston said:

The sub-committee [has the power] to ask a question of a party, where the question is calculated to elicit an answer which will facilitate the function of considering and adjudicating upon the relevant question so as to promote the licensing objectives.

Right of Appeal

24. 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).
- 25. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

26. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21days of being notified of the decision in writing.

Consultees

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

Appendices

Appendix 1 - Application Form

Appendix 2 - Local Authority Objection

Appendix 3 - Trading Standards Representation

Appendix 4 - Goods vs Fuel Sales

Appendix 5 - Petition of Support

Background Papers

None.

			Appendix 1
Herefordshire Council	Herefordshire Application for a premises licence Licensing Act 2003	RECEIVED	For help conta licensing@herefordshire.gov. Telephone: 01432 26176
		2 8 SEP 7018	
		TO	* required informat
Form errors		TO:	
	Some data entered into this form	is invalid. Please resolve before	continuing.
Section 1 of 21			
You can save the fo	rm at any time and resume it later. You		•
System reference	Not Currently In Use	This is the u application	nique reference for this generated by the system.
Your reference	Forge Alcohol Licence	track application	what you want here to help you ations if you make lots of them. I the authority.
Are you an agent ac	eting on behalf of the applicant?	Put "no" if y	ou are applying on your own behalf of a business you own or
Applicant Details			
* First name	Karl		
* Family name	Hawkins		
* E-mail	Forgefillingstation@gmail.c	com	
Main telephone nun	nber	Include cour	ntry code.
Other telephone nu	mber		
☐ Indicate here	if you would prefer not to be contacted	l by telephone	
Are you:			
		person witho Applying as applying so y	r is a business owned by one out any special legal structure. an individual means you are you can be employed, or for personal reason, such as nobby.
Applicant Business Is your business reginent the UK with Compane House?	stered in Yes No		eting the Applicant Business tional in this form.
Registration number	11240633		
Business name	Forge Filling Station	If your busine registered na	ess is registered, use its me.
VAT number	GB 291226116	Put "none" if	you are not registered for VAT.

VAT number

GB

291226116

Ψ.		
Continued from previous page		
Legal status	Private Limited Company	
Your position in the business	Director	
Home country	United Kingdom	The country where the headquarters of you business is located.
Registered Address		Address registered with Companies House.
Building number or name		
Street		
District		
City or town		

Section 2 of 21

Postcode

Country

PREMISES DETAILS

County or administrative area

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	

AddressOS map referenceDe	escription
---	------------

Postal Address Of Premises

Building number or name	Forge Filling Station
Street	Wormbridge
District	Hereford
City or town	Hereford
County or administrative area	
Postcode	HR2 9DH
Country	United Kingdom
Further Details	
Telephone number	07813948688

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

	-domestic rateable e of premises (£)	8,400		
Secti	on 3 of 21			
APPI	ICATION DETAILS			
In wh	at capacity are you apply	ing for the premises licence?		
\boxtimes	An individual or individu	als		
	A limited company / limi	ted liability partnership		
	A partnership (other than	n limited liability)		
	An unincorporated associ	ciation		
	Other (for example a stat	cutory corporation)		
	A recognised club			
	A charity			
	The proprietor of an educational establishment			
	A health service body			
	,	ed under part 2 of the Care Standards Act in 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			
Conf	irm The Following			
\boxtimes	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 applicat	ion pursuant to a statutory function		
	I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative			
Secti	on 4 of 21			
INDI	IDUAL APPLICANT DET	AILS		
(20)		nilar to) the details given in section one?	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	
-		IZI	details.	
First	name	Karl		
Fami	amily name Hawkins			

Continued from previous page	·	
ls the applicant 18 years of a	age or older?	
Yes	○ No	
Current Residential Address the address the same as (ess or similar to) the address given in section one?	If "Yes" is selected you can re-use the details from section one, or amend them as
Yes	C No	required. Select "No" to enter a completely new set of details.
Building number or name		
Street		
District		
City or town		
County or administrative ar	ea	
Postcode		
Country		
Applicant Contact Details Are the contact details the s	same as (or similar to) those given in section one?	If "Yes" is selected you can re-use the details from section one, or amend them as
Yes	∩ No	required. Select "No" to enter a completely new set of details.
E-mail		
Telephone number		
Other telephone number		
* Date of birth	dd mm yyyy	
* Nationality	Welsh	Documents that demonstrate entitlement to work in the UK
	Add another applicant	
Section 5 of 21		
OPERATING SCHEDULE		
When do you want the premises licence to start?	01 / 11 / 2018 dd mm yyyy	
If you wish the licence to be valid only for a limited period when do you want it to end	od,	
Provide a general description	on of the premises	

Continued from previo	us page
licensing objectives.	of premises, its general situation and layout and any other information which could be relevant to the Where your application includes off-supplies of alcohol and you intend to provide a place for e off- supplies you must include a description of where the place will be and its proximity to the
the business hours of	erving fuel and groceries, animal feeds, livestock feeds, coal, etc. Established for almost 50 years with 6.30 am until 9.30 pm. Alcohol will only be sold on an off-licence basis,but still be part of the petrol ds stored in the same area.
If 5,000 or more peop expected to attend the premises at any one to state the number exp attend	ne ime, 0
Section 6 of 21	
PROVISION OF PLAY	S
See guidance on regu	ılated entertainment
Will you be providing	plays?
C Yes	No
Section 7 of 21	
PROVISION OF FILM	5
See guidance on regu	lated entertainment
Will you be providing	films?
C Yes	No
Section 8 of 21	
PROVISION OF INDO	OR SPORTING EVENTS
See guidance on regu	lated entertainment
Will you be providing	indoor sporting events?
Yes	No
Section 9 of 21	
PROVISION OF BOXI	NG OR WRESTLING ENTERTAINMENTS
See guidance on regu	lated entertainment
Will you be providing	boxing or wrestling entertainments?
	No
Section 10 of 21	
PROVISION OF LIVE	MUSIC
See guidance on regu	lated entertainment
Will you be providing	live music?
Yes	No
Section 11 of 21	
DROVISION OF PECO	DDED MILCIC

*		
Continued from previous	s page	
Will you be providing r	ecorded music?	
	No	
Section 12 of 21		
PROVISION OF PERFO	RMANCES OF DANCE	
See guidance on regula	ated entertainment	
Will you be providing p	performances of dance?	
Yes	No	
Section 13 of 21	1 gr	
PROVISION OF ANYTH	IING OF A SIMILAR DESCRIP	PTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF
See guidance on regula		
Will you be providing a performances of dance	nything similar to live music, ??	recorded music or
	No	
Section 14 of 21		
LATE NIGHT REFRESH	MENT	
Will you be providing la	ate night refreshment?	
○ Yes	No	
Section 15 of 21		
SUPPLY OF ALCOHOL	W. 2021	
Will you be selling or su	applying alcohol?	
Yes	○ No	
Standard Days And Ti	mings	
MONDAY	Start 08:00	Give timings in 24 hour clock. End 21:30 (e.g., 16:00) and only give details for the day
	Start	of the week when you intend the premises to be used for the activity.
	Start	to be used for the activity.
TUESDAY		
	Start 08:00	End 21:30
	Start	End
WEDNESDAY		
	Start 08:00	End 21:30
	Start	End
	Start	
THURSDAY		
	Start 08:00	End 21:30
	Start	End

8			
Continued from previous p	page		
FRIDAY			
	Start 08:00	End 21:30	
	Start	End	
SATURDAY			
	Start 08:00	End 21:30	
	Start	End	
SUNDAY			•
	Start 10:00	End 21:30	,
	Start	End	
Will the sale of alcohol b			If the sale of alcohol is for consumption on
On the premises	Off the premises	Both	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 variat	ions		
For example (but not exc	clusively) where the activity will occ	ur on additional da	ays during the summer months.
none			
Non-standard timings. W		he supply of alcoh	nol at different times from those listed in the
For example (but not exc	clusively), where you wish the activi	ty to go on longer	on a particular day e.g. Christmas Eve.
none			
State the name and deta licence as premises supe	ils of the individual whom you wish rvisor	to specify on the	
Name			
First name	Karl		
Family name	Hawkins		
Date of birth			
	dd mm yyyy		

Continuea from previous page		
Enter the contact's address		
Building number or name		
Street		
District		
City or town		
County or administrative are		
Postcode		
Country		
Personal Licence number (if known)		
Issuing licensing authority (if known) Trofaen		
PROPOSED DESIGNATED PREMISES SUPERVIS	OR CONSENT	
How will the consent form of the proposed desibe supplied to the authority?		
 Electronically, by the proposed designated 	I premises supervisor	
 As an attachment to this application 		
Reference number for consent forgesupervisor: form (if known)	2018	If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.
Section 16 of 21		
ADULT ENTERTAINMENT		
Highlight any adult entertainment or services, a premises that may give rise to concern in respective information about anything intended to occur.	ct of children ccur at the premises or ancillary	to the use of the premises which may give
rise to concern in respect of children, regardless (but not exclusively) nudity or semi-nudity, films	for restricted age groups etc <u>c</u>	gambling machines etc.
none		
Section 17 of 21		
HOURS PREMISES ARE OPEN TO THE PUBLIC		
Standard Days And Timings		

Continued from previous	page	
MONDAY		Give timings in 24 hour clock.
	Start 06:30	End 21:30 (e.g., 16:00) and only give details for the day of the week when you intend the premises
	Start	End to be used for the activity.
TUESDAY		
	Start 06:30	End 21:30
	Start	End
WEDNESDAY		
	Start 06:30	End 21:30
	Start	End
THURSDAY		
	Start 06:30	End 21:30
	Start	End
FRIDAY		
	Start 06:30	End 21:30
	Start	End
SATURDAY		
	Start 06:30	End 21:30
	Start	End
SUNDAY		
	Start 06:30	End 21:30
	Start	End
State any seasonal varia	ations	
For example (but not ex	xclusively) where the activity will oc	cur on additional days during the summer months.
none		
	Where you intend to use the premis nn on the left, list below	ses to be open to the members and guests at different times from
For example (but not ex	cclusively), where you wish the activ	vity to go on longer on a particular day e.g. Christmas Eve.
none		

Section 18 of 21

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.

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behavior on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available
- Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby

residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to © Queen's Printer and Controller of HMSO 2009

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prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to
 work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a
 licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A
 (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but
 who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in
 the UK including:-
 - evidence of the applicant's own identity such as a passport,
 - evidence of their relationship with the European Economic Area family member e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

in terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided 0 by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the O entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or 0 on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling 0 circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

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.

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 (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page	
Address	
Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	United Kingdom
DECLARATION	
	ce, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the false statement in or in connection with this application.
You must check the box for t	his declaration
 understand I am not entitled am subject to a condition pre 	licants only, including those in a partnership which is not a limited liability partnership] I to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I eventing me from doing work relating to the carrying on of a licensable activity) and that my I cease to be entitled to live and work in the UK (please read guidance note 15).
You must check the box for the	his declaration
The DPS named in this applic * her from doing work relating appropriate (please see note	ation form is entitled to work in the UK (and is not subject to conditions preventing him or to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if 15)
Ticking this box indicate	es you have read and understood the above declaration
This section should be complet behalf of the applicant?"	ted by the applicant, unless you answered "Yes" to the question "Are you an agent acting on
* Full name	
* Capacity	OWNER.
Date (dd/mm/yyyy)	19-9-18
	Add another signatory
Once you're finished you need 1. Save this form to your compute. 2. Go back to https://www.gov continue with your application	

continue with your application.

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

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

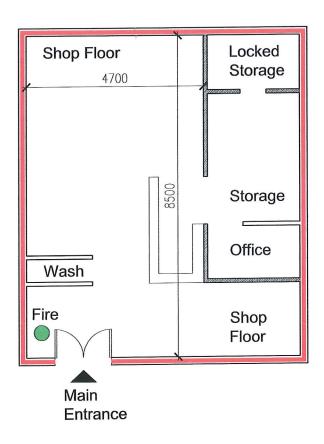


Form of consent given by the person whom the applicant wishes to be the premises supervisor

I, Karl Hawkins.[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
Karl Hawkins.[insert full name of applicant] where the holder of the licence has
consented to the application being made by the applicant for Forge Filling Station,
Wormbridge, Hereford, HR2 9DH. [Insert name and address of the proposed licensed
premises] if that application is successful.

Dated	28.09.18	

ELI PREM –4 Issue 1 11/07



Floor Plan

1:100 Scale



Solid internal wall



- 1No Powder
- 1No Foam
- 1No Fire Bucket





Representation made by the Local Authority 20th December 2018

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford, HR2 9DH.

The application applies for the sale of alcohol 0800 hours until 2130 hours daily.

The authority does object in total to the grant of the licence for the sale of alcohol.

This objection is based upon the fact that Section 176 of the 2003 Act prohibits the sale from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

the retailing of petrol;

the retailing of derv;

the sale of motor vehicles,

the maintenance of motor vehicles

The applicant has produced data concerning sales between May & October 2018. It is noted that on 4th July a new till system was installed.

The authority has taken a number of snap shots of that data which has shown the following:

	Total Total Sales Other sales	81.05%	£3244.02 £3989.04 £ 745.02	
	Unleaded petrol Red diesel	20.27% 5.53%	£ 808.54 £ 220.46	
01/10/18	Diesel Sales	55,25%	£2204.02	
	Total Total Sales Other sales	81.83%	£3501.98 £4280.26 £ 778.28	
	Unleaded petrol Red diesel	26.85% 12.14%	£1148.59 £519.54	
25/08/18	Other sales Diesel Sales	42.84%	£ 863.98 £1833.85	
	Total Total Sales	75.37%	£2630.40 £3494.38	
13/07/18	Diesel Sales Unleaded petrol Red diesel	46.97% 22.02% 6.38%	£1637.97 £ 769.44 £ 222.99	

.

I make reference to the Section 182 Guidance which at paragraph 5.22 states:

• It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

Based upon the figures provided the primary use of the filling station is that of a garage and therefore Section 176 applies.

The authority therefore is concerned that based on the information provided that to grant a premises licence would mean that it aided and abetted the offence of selling alcohol other than in accordance with a licence, contrary to Section 136 of the act.

Fred Spriggs Licensing Officer From: Wilson, Leah

To: <u>"forgefillingstation@gmail.com"</u>

Cc: <u>Licensing</u>

Subject: Premises Licence Application **Date:** 17 December 2018 11:35:15

Attachments: image001.png

image002.png image003.png image004.png

Dear Mr Hawkins

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 Forge Filling Station, Wormbridge, Hereford, Herefordshire HR2 9DH.

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 in addition to those already specified on the application:

- 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. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 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 weekly 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 sale 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 to contact me on 01432 260163, lwilson@herefordshire.gov.uk

Kind regards

Image	2	

Leah Wilson
Trading Standards Officer
Environmental Health and Trading Standards
Economy, Communities and Corporate
Directorate
Hereford Council
01432 260163
lwilson@herefordshire.gov.uk
lwilson@herefordshire.gcsx.gov.uk

8 St Owens Street Hereford HR12PJ



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November	./	October		Septembe	r	August	
Goods	fuel	Goods	Fuel	Goods	Fuel	Goods	Fuel
364	82	359	82	360	72	453	97
388	90	363	57	468	99	461	83
402	64	373	85	464	102	357	82
357	70	393	61	367	94	380	81
314	67	451	93	416	83	386	85
322	64	352	75	407	83	318	60
374	74	469	94	375	104	333	109
390	102	361	96	277	78	411	79
450	77	395	75	357	109	435	82
416	82	364	83	352	106	326	77
326	96	332	70	386	82	473	82
413	70	304	89	320	94	404	102
447	88	346	92	356	76	387	74
357	71	448	85	356	93	356	103
381	81	306	78	415	94	447	101
342	65	355	81	381	108	404	95
327	78	334	64	466	97	412	98
340	76	280	62	452		416	97
346	62	305	78	329		393	92
417	79	390	66	337	89	347	60
396	74	378	79	322		386	66
305	74	311	69	298		407	95
322	70	383	79	336		417	80
340	92	405	67	384		338	88
293	71	324	58	371	83	324	87
430	73	384	73	342	77	374	89
386	84	426	79	336	76	388	65
801	157	461	83	377	96	326	82
		402	88	412	70	414	90
		341	85	324	71	495	88
november		october		september		333	74
-	fuel		fuel	goods	fuel	goods augi	
10746	2233	11095	2326	11143	2668	12101	2643

goods total fuel total 78361 17357

unit totals



July		June		May	
	Fuel	Goods	Fuel	Goods	Fuel
372	103	297	85	355	64
342	64	389	96	326	76
322	50	395	80	375	79
774	172	347	86	290	67
445	92	438	70	278	59
457	87	338	87	381	92
406	94	431	. 97	338	75
337	74	452	87	413	82
358	67	388	98	301	71
416	69	360	81	315	61
319	74	299	75	300	53
410	89	330	74	409	87
415	74	258	82	317	91
395	78	387	61	338	89
314	80	355	91	414	80
405	92	330	89	269	67
445	85	305	77	332	92
394	96	304	86	377	71
381	85	295	83	397	87
414	83	411	. 87	374	101
347	82	435	104	336	89
423	95	430	88	385	76
388	76	284	88	292	77
344	83	358	77	347	79
365	98	265	67	417	73
452	108	268	69	368	77
784	198	330	56	330	95
367	93	371	61	290	90
473	76	361	. 89	409	77
		378	93	292	63
july		june		258	66
goods	fuel	goods	fuel	may goods	
12064	2617	10589	2464	10623	2406

Petition for support

		1 8 DEC 2018	
DATE	NAME		ADDRESS
		PY:	
11-12-18	12 Ll-oyd-		
1/-12-18	Cliff Evans		
11-12-18	LAnderson		
11-12-18	J worten		
12-12-18	D HOWIE		
12-12.18	Softe Falcones.		
12.12.18	Jim Falconat		
12.12.18	KSMITH		
12-12-18	Bob WHLE		
12/12/18	Clavedonos		
12/12/19	LIZZIF JUNES		
12/12/18	RICHARD BATEMAK	3	
12/18	LANDONCE JAMES		
12/12/18	JENNY CHENOY		
12/12/18	R. Problemi		
12/12/18	ALA Poshert		
12/12/18	CB Cher		
15/15/18.	RIP, Ing		
12/12/18	S. Cooles		•

Petition for support

DATE	NAME	ADDRESS	
12/12/2018	E. EVAN		
V	M DE JERSEY		
12/12/18	V. Chance - lang		
12/18	Richard Fruts		
12/12/18	Niche Gold -Tomben's		
12/12/18	M ARK MOSOUS		
121218	D & Sahi		
15/15/18	4		
12 · 12 · 15	Joanne Commino		
12,12,18	Julit Jan		
12.12.18	Andree Luction		
12.12.18			
- 4	ADRIAN BLANNIN		
	ANDY BUKEONS		
12/12/18	Dowiel Woodward		
12 12 18	SAM POUSON		
12.12.18	N. Powell		
12.12.18	E FORES		
12.12.18	1 della 10 Gt		

Petition for support

DATE	NAME	ADDRESS
	/ 44	
12/12/18	Andrew Morgan	
12/12/18	Peter Jame,	
12/12/18	Darren Davits Jones	
12/12/18	M Bowett	
12/12/18	P Prin	
12/12/18	Rupacu	
12/12/18	M. Saundecs	
12/12/18	k.Trnes	
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13/12/18	J.R. Ruce	
13/12/18	S. Morese	
13/12/18	William Temple	
13/12/18	Judy VAuchan	
13/12/2018	Daniel Moss	
13/12/2018	D. Blown	
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pe to a	Shraus	
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Petition for support

DATE	NAME	ADDRESS	
13-12-18	Saval Gudso		
13 12-18	J. USMERwood		
13/12/2016	Davis Gualka		
13/12/2018	S. MANSFIELD		
13-12-2018	K. Prece.		
	Muhe Julley		
/	M Jams.		
13/12/18			
13/12/18	Tom. B. Brierley		
131215	M P	-	
13.12.18	0 04		
13.12.18	Kawilin		
13,12,18	Andrew Lias		
13-12-18	HARRY ROLLIT	-	
13-12-12	as see Howell		
13/12/18	A-OXTORD		
13/12/14	B. Rult		
13/12/15	En 8h		
	Steve Jones		

Petition for support

DATE	NAME	ADDRESS
13/12/18	Pan Haur	
13/12/18	0 1 0 11	
13/12/18	MARTHEW PITT	
13/12/18	7. CROXTON	
13/12/18	J-Evans-	
13/12/18	O. Gorging	
13/2/18	D.E. Clare	
13/2/18	Pulla	
13/12/14	Linkleyd	
13-12,18	UMTHOMAS	
131218	Carl Boswall	
13 12 18	Vike Ama	
131218	05454	
131218	War .	
13/12/18	CACHEL PRICE	
18/12/18	JEAN PIKE Mineforder	
13/12/18	Mine forders	