

# Agenda

## Licensing sub-committee

Date: **Thursday 7 March 2019**

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Time: **10.00 am**

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

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

For any further information please contact:

**Caroline Marshall, Democratic Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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

# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor DW Greenow  
Councillor KS Guthrie  
Councillor FM Norman

## Agenda

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1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>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.</p>	
4.	<p><b>APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'FORGE FILLING STATION, WORMBRIDGE, HEREFORD. HR2 9DH' - LICENSING ACT 2003</b></p> <p>To consider an application for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford. HR2 9DH'.</p>	11 - 120
5.	<p><b>APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 26 EIGN GATE, HEREFORD. HR4 0AB - LICENSING ACT 2003</b></p> <p>To consider an application for a new premises licence in respect of 26 Eign Gate, Hereford. HR4 0AB.</p>	121 - 152
6.	<p><b>REVIEW OF A PREMISES LICENCE IN RESPECT OF: MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003</b></p> <p>To consider an application for a review of a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by West Mercia Police.</p>	153 - 174
7.	<p><b>REVIEW OF A PREMISES LICENCE IN RESPECT OF: S&amp;S NEWS, 55 BROAD STREET, HEREFORD. HR4 9AB CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003</b></p> <p>To consider an application for a review of a premises licence in respect of S&amp;S News, 55 Broad Street, Hereford. HR4 9AB called by West Mercia Police.</p>	175 - 194



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

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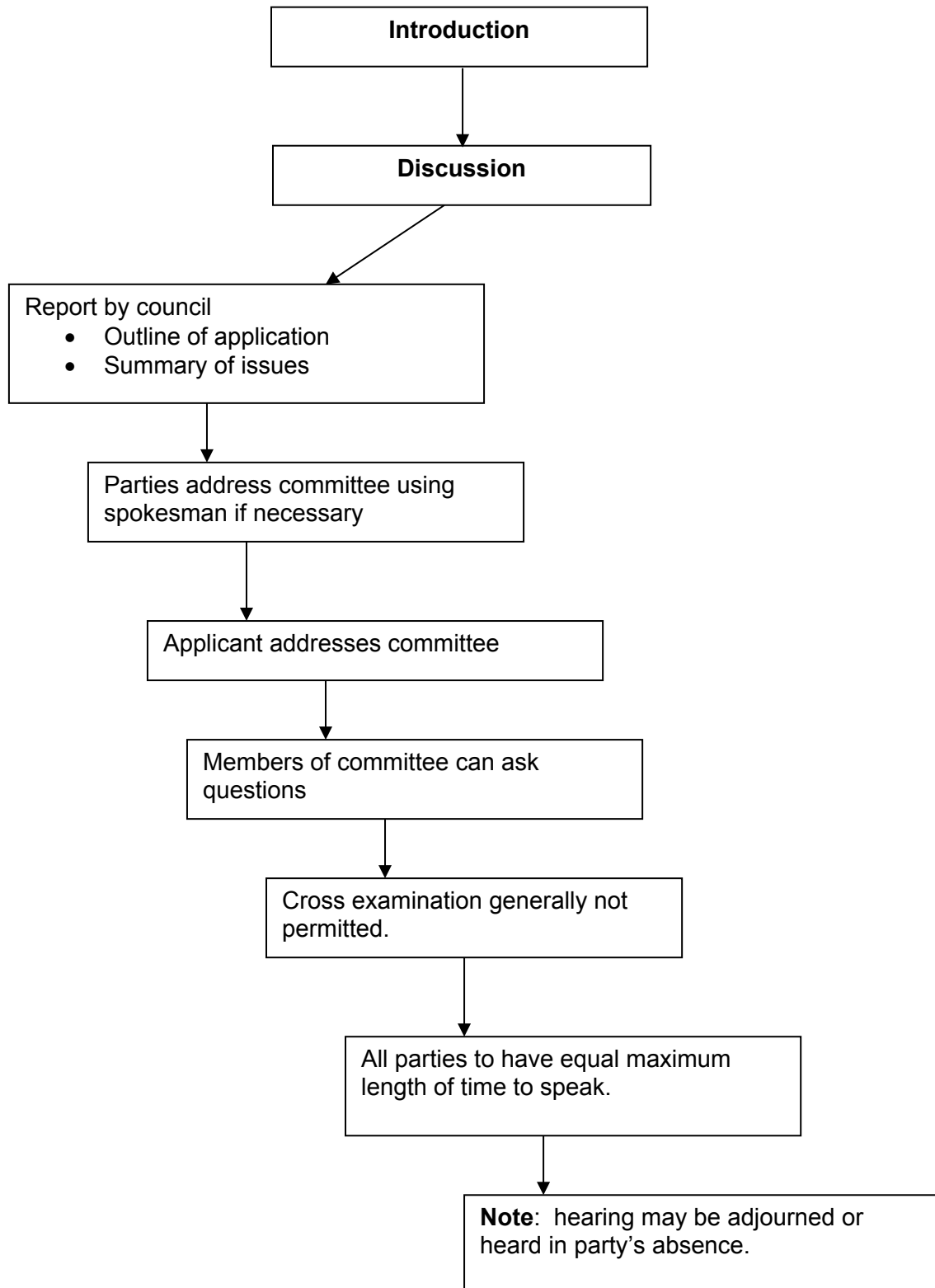
Please do not allow any items of clothing, etc. to obstruct any of the exits.

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





## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>7 March 2019</b>
<b>Title of report:</b>	<b>Application for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford. HR2 9DH' – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## 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 previous hearing on 21<sup>st</sup> January 2019 was opened and adjourned to enable committee members to do a site visit. The site visit was carried out on 14<sup>th</sup> February 2019.
- 5. The details of the application are:

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

### 6. 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).
11. Further information was received from the applicant (appendix 6) which includes photos of the premises, details of court hearings and licensing law.
12. Further information has been received from the Local Authority (appendix 7). These are Goods vs Fuel receipts which is the basis of their objection.

## **Community Impact**

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

## **Equality duty**

14. There are no equality issues in relation to the content of this report.
15. 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.
16. 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**

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

## **Legal Implications**

18. 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.

19. 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.
20. 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.
21. 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.

22. 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.
23. 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'.

24. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
25. The 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 committees who have the power to require 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

## Right of Appeal

26. 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).

27. 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**

28. 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 21 days of being notified of the decision in writing.

## **Consultees**

28. 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
- Appendix 6 – Information from the Applicant
- Appendix 7 – Information from the Licensing Authority

## **Background Papers**

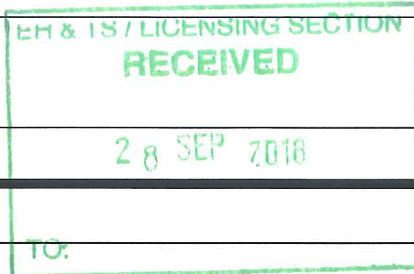
None.







**Herefordshire**  
**Application for a premises licence**  
**Licensing Act 2003**



For help contact  
[licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
 Telephone: 01432 261761

\* required information

## Form errors

Some data entered into this form is invalid. Please resolve before continuing.

## Section 1 of 21

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

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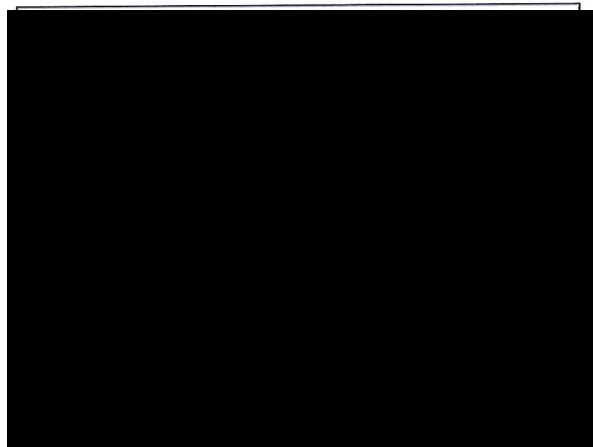
Legal status	Private Limited Company
Your position in the business	Director
Home country	United Kingdom

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	



**Section 2 of 21**

**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	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
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Non-domestic rateable  
value of premises (£)

8,400

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- 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

#### 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 21

#### 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

Karl

Family name

Hawkins

Continued from previous page...

Is the applicant 18 years of age or older?

Yes  No

**Current Residential 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 (or similar to) those 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.

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?

/  /   
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

Continued from previous page...

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.

Rural Petrol Station serving fuel and groceries, animal feeds, livestock feeds, coal, etc. Established for almost 50 years with the business hours of 6.30 am until 9.30 pm. Alcohol will only be sold on an off-licence basis, but still be part of the petrol station shop and goods stored in the same area.

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

0

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

Continued from previous page...

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**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

Continued from previous 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 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.

none

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.

none

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

**Name**

First name

Karl

Family name

Hawkins

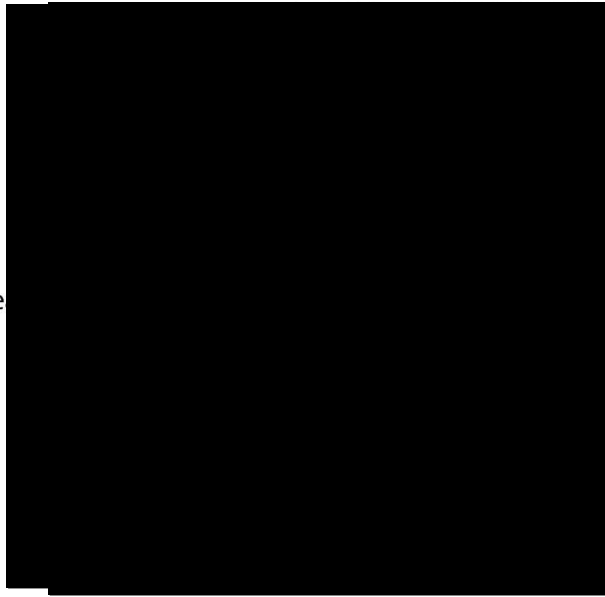
Date of birth

dd mm yyyy

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**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)

Trofaen

**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)

forgesupervisor2018

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, 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.

none

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**



Continued from previous page...

MONDAY

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.

Start

End

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

State any seasonal variations

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

none

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.

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

**Continued from previous page...**

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  
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Continued from previous page...

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**

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*Continued from previous page...*

**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.
-

*Continued from previous page...*

- 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.

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## **Section 20 of 21**

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### **NOTES ON REGULATED ENTERTAINMENT**

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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.
  - o 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.

**Continued from previous page...**

- 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 licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling 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](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	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**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.

**You must check the box for this declaration**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

**You must check the box for this declaration**

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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	<input type="text" value="REDACTED"/>
* Capacity	<input type="text" value="OWNER"/>
Date (dd/mm/yyyy)	<input type="text" value="19-9-18"/>

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.



*Continued from previous page...*

**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**



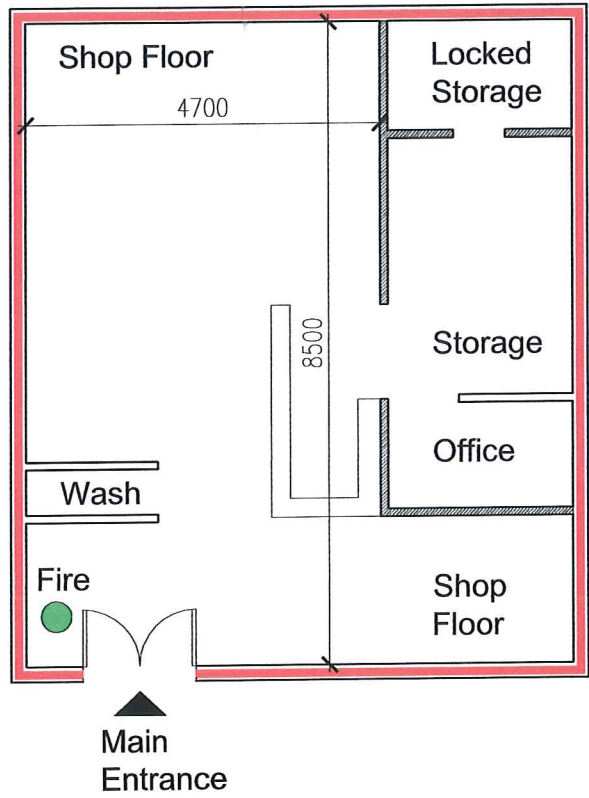
**Form of consent given by the person whom the applicant wishes to be the premises supervisor**

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.

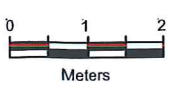


Dated 28.09.18



**Floor Plan**  
1:100 Scale

-  Licensable Activity
-  Solid internal wall
-  Fire
  - 1No Powder
  - 1No Foam
  - 1No Fire Bucket



<b>GriffithsDesign</b> Architectural Technologists.		Tel: 07969446621 Email: griffithsdesign@outlook.com	
<b>Client</b>	<b>Mr K. Hawkins</b>		
<b>Project</b>	<b>Forge Filling Station, Wormbridge, Herefordshire, HR2 9DH</b>		
<b>Drawing</b>	<b>Floor Plan for Premises Licence</b>		
<b>Date</b>	<b>October 2018</b>	<b>Scale</b>	<b>1:100 @ A4</b>
<b>Drawn by</b>	<b>JG</b>	<b>Drawing No</b> <b>[BD] 01.</b>	
<b>Checked by</b>	<b>***</b>		
<b>Revision</b>			



**Representation made by the Local Authority 20<sup>th</sup> 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 4<sup>th</sup> July a new till system was installed.

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

13/07/18	Diesel Sales	46.97%	£1637.97
	Unleaded petrol	22.02%	£ 769.44
	Red diesel	6.38%	£ 222.99
	<b>Total</b>	<b>75.37%</b>	<b>£2630.40</b>
	<b>Total Sales</b>		<b>£3494.38</b>
	<b>Other sales</b>		<b>£ 863.98</b>
25/08/18	Diesel Sales	42.84%	£1833.85
	Unleaded petrol	26.85%	£1148.59
	Red diesel	12.14%	£519.54
	<b>Total</b>	<b>81.83%</b>	<b>£3501.98</b>
	<b>Total Sales</b>		<b>£4280.26</b>
	<b>Other sales</b>		<b>£ 778.28</b>
01/10/18	Diesel Sales	55.25%	£2204.02
	Unleaded petrol	20.27%	£ 808.54
	Red diesel	5.53%	£ 220.46
	<b>Total</b>	<b>81.05%</b>	<b>£3244.02</b>
	<b>Total Sales</b>		<b>£3989.04</b>
	<b>Other sales</b>		<b>£ 745.02</b>

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:** ["forgefillingstation@gmail.com"](mailto:forgefillingstation@gmail.com)  
**Cc:** [Licensing](#)  
**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](mailto: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](mailto:lwilson@herefordshire.gov.uk)

Kind regards



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

8 St Owens Street  
Hereford  
HR12PJ



**Please consider the environment - Do you really need to print this E-Mail?**

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# unit Sales of Goods Vs. Fuel

November		October		September		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	120	416	97
346	62	305	78	329	102	393	92
417	79	390	66	337	89	347	60
396	74	378	79	322	87	386	66
305	74	311	69	298	52	407	95
322	70	383	79	336	83	417	80
340	92	405	67	384	88	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
						333	74
november		october		september		goods augi	fuel
goods	fuel	goods	fuel	goods	fuel	goods	fuel
10746	2233	11095	2326	11143	2668	12101	2643

goods total      fuel total  
 78361              17357

unit totals



July	
Goods	Fuel
372	103
342	64
322	50
774	172
445	92
457	87
406	94
337	74
358	67
416	69
319	74
410	89
415	74
395	78
314	80
405	92
445	85
394	96
381	85
414	83
347	82
423	95
388	76
344	83
365	98
452	108
784	198
367	93
473	76

july  
 goods      fuel  
 12064    2617

June	
Goods	Fuel
297	85
389	96
395	80
347	86
438	70
338	87
431	97
452	87
388	98
360	81
299	75
330	74
258	82
387	61
355	91
330	89
305	77
304	86
295	83
411	87
435	104
430	88
284	88
358	77
265	67
268	69
330	56
371	61
361	89
378	93

june  
 goods      fuel  
 10589    2464

May	
Goods	Fuel
355	64
326	76
375	79
290	67
278	59
381	92
338	75
413	82
301	71
315	61
300	53
409	87
317	91
338	89
414	80
269	67
332	92
377	71
397	87
374	101
336	89
385	76
292	77
347	79
417	73
368	77
330	95
290	90
409	77
292	63
258	66

may goods fuel  
 10623    2406

# Kilpeck Group Parish Council



Email [Parishclerkmw@btinternet.com](mailto:Parishclerkmw@btinternet.com)  
[www.kilpeckgpc.org](http://www.kilpeckgpc.org)

12<sup>th</sup> February 2019

Mr Karl Hawkins  
Forge Store / Filling Station  
Wormbridge  
Hereford  
HR2 9DH

Dear Mr. Hawkins,

Kilpeck Group Parish Council discussed at their meeting held on the 11<sup>th</sup> February 2019 your application for an alcohol licence for the store.

Consideration was given in particular to the various options available for the purchase of wines and spirits locally, the Parish Council resolved unanimously to support your application which would be a welcome addition to this rural community.



Malcolm Walker  
Clerk to Kilpeck Group Parish Council

Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME
25/1/19	J. ROLVA
25 1 19	M Jones
25 1 19	Mark Pikes
25/1/19	R. PROBERT
25.1.19	M. Statham
25-1-19	W. Gould
25/1/19	O. Gould
25/1/19	R. Mansfield
25/1/19	B. Barazzetti
25.01.19	ELISE ROBINSON
25.01.19	K. SAVIDGE
" " "	DAPHNE JONES
" " "	R.E. MORRIS
25-1-19.	L.H. JAMES
	V. Thomas.
25-1-19	R.B. MAILLÉ
25-1-19	K SMITH
25-1-19	Dob Working
25-1-19.	NEL KERR.

## Petition for support

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DATE	NAME	
23-1-19	ANTHONY COOK	
24-1-19	G. Hall	
25/1/19.	G. Clive	
25/1/19	W. Edwards	
25-1-19	J. Warton	
25-1-19	C. Adams	
25-1-19.	S. Hollands	
25-01-19.	F. Evans	
25-1-19	R. Kelly	
25-1-19	J. Aye	
25-1-19	J. Williams	
25-1-19.	L. Smith	
25-1-19	D. EVANS	
25-1-19	J. Morgan	
25-1-19	CB Cheney	
25-1-19	B PETERS	
25.1.19	D. Jones	
25-1-19	E. SA	
25/1/19	DAVID HOWE	

## Petition for support

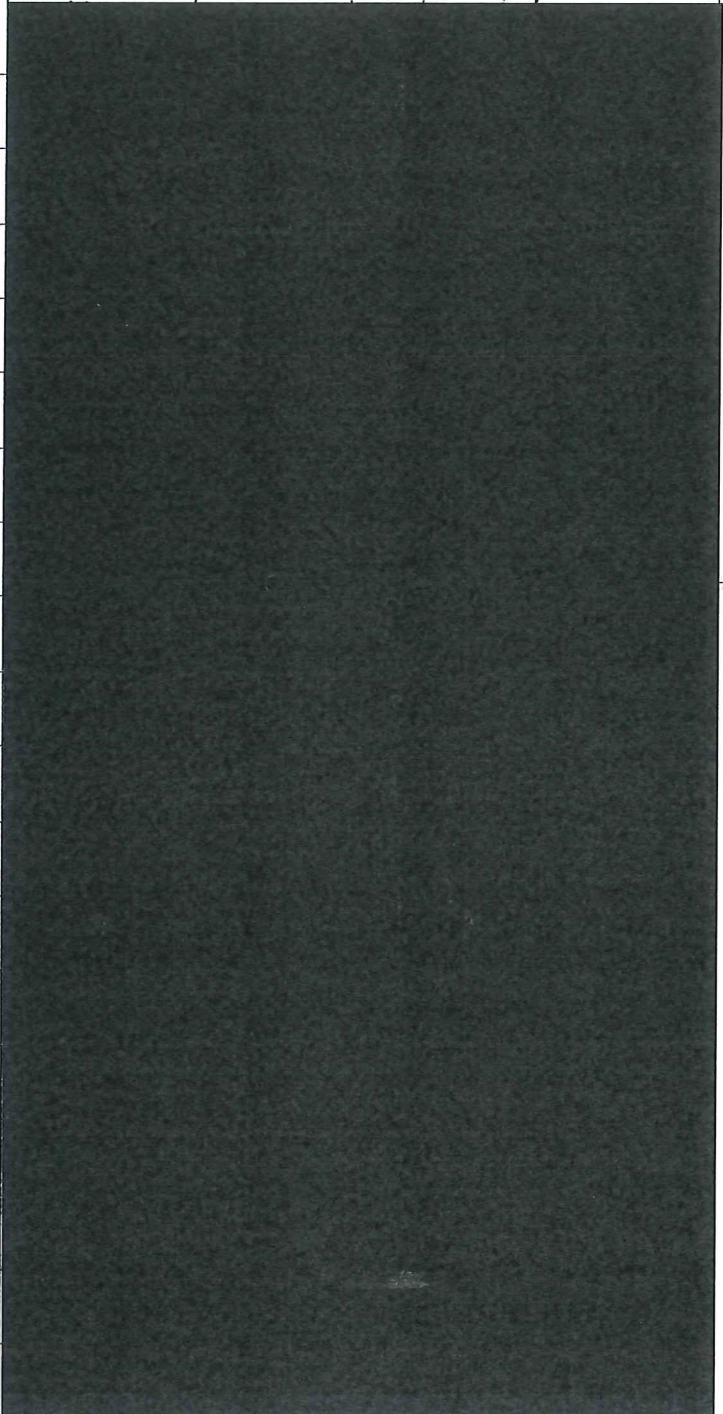
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DATE	NAME	ADDRESS
25/1/19	Anthony Roden.	
25/1/19	Rouan Mayon	
25/1/19	Josh Brand.	
25.1.19	Adrian Drivers	
25.1.19	CAROL PRINCE	
25.1.19	Graben Aney	
25/1/19	Andrew Giall	
25/1/19	ROBERT METCALFE	
25/1/19	G. SUTHAM	
25/1/2019	Daniel Moss	
25/07/2019	Matthew Jordan	
25/01/19	Fred Pursey	
25/01/19	Margaret Price	
25/01/19	Damen Davies Jones	
25/01/19	P Price	
25/01/19	A. LAKE	
"	M. Chester	
"	M FLETCHER	
25/01/19	M JONES	

FB  
RH

## Petition for support

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DATE	NAME	ADDRESS
25/1/19	M Norton	
26/1/19	H Bevan	
26/1/19	D OWEN	
26/1/19	JAMES STEEZ	
26/1/19.	BILL QUINN	
26/1/19	Jack GwUim	
26/1/19	D. Simpkins	
26/1/19	P. Hill	
26/1/19	M. S. Jones	
26/1/19	E.M. Partington	
26/1/19	JOURAYNE	
26/1/19	M. Allen	
26.1.19	G. L. Haines	
26/19	P. Sulby	
26/19	V. B. D. Derry	
26/19	R. G. H. H. H.	
26' 19	Kw Michael	
26/1/19	A WOODHATT	
26/1/19	gcwvott	

## Petition for support

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DATE	NAME	ADDRESS
26.1.19	M B [unclear]	
26.1.19	Samantha Metcalfe	
26.1.19	Edward Lello	
26.1.19	Sally Whistance	
26.1.19	Ani [unclear]	
26.1.19	JEW Buttingham	
26.1.19	Cheryl Warren	
26/1/19	JANINE WHITE	
26.1.19	JUDY VAUGHAN	
26/1/19	Michael [unclear]	
26/1/19	Will Perry	
26/01/19	A DAVIES	
26/01/19	G. Chandler	
26/10/19	[unclear]	
26/1/19	Alison Madham	
26/1/19	[unclear]	
26/1/19	L. [unclear]	
26/1/18	[unclear]	
26/01/18	MATT DAVIES	



## Petition for support

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DATE	NAME	ADDRESS
26/1/19	DAVID S CLARKE	
26/1/19	Janet Clarke	
26/1/19.	DEREK DALE	
26/1/19	Nicholas Lynch	
27-1-2019	C. Nicholas	
27-1-2019	GUTCHAS	
27-1-2019.	H. Powell	
27/1/2019	S R. WARDEN	
27/1/2019	R. FENNER	
27/1/2019	M. Saunders	
27/1/2019	B. J. MAMBLE	
27/1/2019	P. POWELL	
27/1/19	Lisa Heath	
27/1/19	Clare Jones	
27/1/19	M. MAMBLE	
27.1.19	A Cook	
27.11.19	Maggie Bukoneska	
27.1.19	Rudman Humphries	
27.07.2019	D. C. MAMBLE	

## Petition for support

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DATE	NAME	ADDRESS
27-1-19	M HOLLOWOOD	
27.1-19	M PARSONS Cllr	
27-1-19	C. HOPE	
27-1-19	R. Muggnidge	
27.1.19	C. MURPHY	
27.1-19	<del>John</del>	
27-1-19	N. J. V.	
28-1-19	M. STEVENSON	
28-1-19	R. MURPHY	
27-1-19	Stephen Pugh	
27-1-19	Kieran Longbottom	
27-1-19	Clare Kayton	
27-1-19	John Hardman	
27-1-19	Michael Price	
27-1-19	Dorcas Lewis	
27-1-19	S. Buckwalter	
27-1-19	A Hill	
27/1/19	John	
27/1/19	D. ROSING	

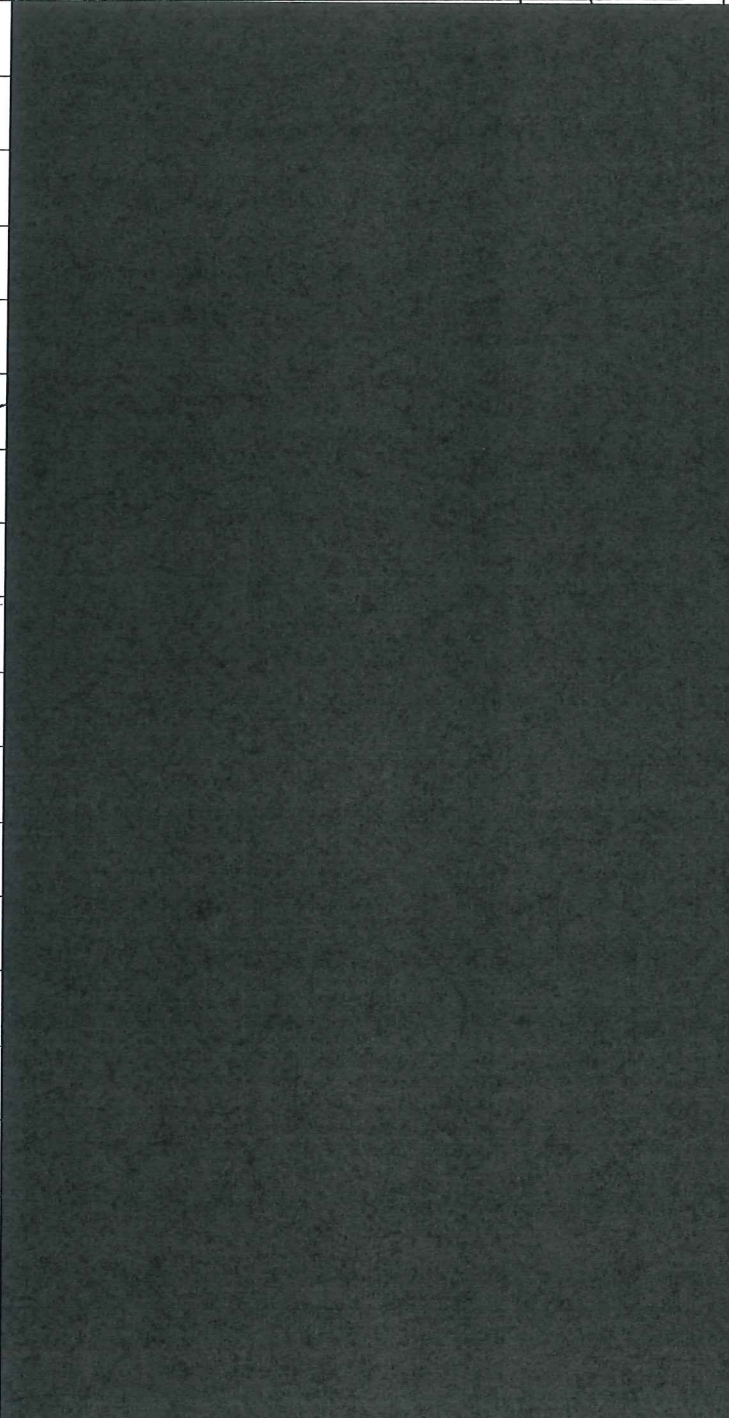
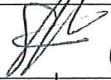
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DATE	NAME	ADDRESS
27-1-2019	IDAIS JONES	
28-1-2019	JEAN PIKE	
28-1-19	C HALLS	
28/1/19	J Best	
28/1/19	M Powell	
28/1/19	Josef Simmonds	
28.1.19.	Allyan Hear	
28/1/19	CHARLIE GEORGE	
28/1/19	STEPHEN GALEA	
28/1/19	Kim Preece	
28/1/19	Dean Clow	
28/1/2019	D. Tardis	
28/1/2019	B B CAH	
28/1/2019	J. CREGG	
28/1/2019	I. Beach	
	L. Jones	
28/1/19	J. Jones	
28/1/19	M Jenkins	
28/1/19	J. Thompson	

## Petition for support

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DATE	NAME	ADDRESS
28-1-19	Andrew Williams	
28-1-19	Frankie Stratford	
28-1-19	Tom Francis	
28-1-19	P. TRANDY	
28-1-19	Bradley Morgan	
28-1-19	ADE OULWIN	
28.1.19	Lesley Robson	
28.1.19	ROB EVANS	
28/1/19	Clyde Leonard	
28/1/19	 Dr. Hopkins	
28/1/19	Kathie Hobbs	
29-1-19	AMY ARMOUR	
28/1/19	Jude Rogers	
28/1/19	Kieran Sullivan	
28/1/19	Samantha Coe	
28/1/19	AMANDA ANDERSON	
28/1/19	MATT EVANS	
28/1/19	TRACEY KENNEDY	
28/1/19	Allen Edwards	

## Petition for support

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DATE	NAME	ADDRESS
28/1/19	Robert Horton	
28/1/19	D. KYLEY	
28/1/19	Michael Williams	
28/1/14	Dani Stalham	
28/1/14	Mrs S Spencer	
28.1.19	Mr A Hartfield	
28/1/19	Mr G Holland	
28/1/19	Liz Kyte	
28/1/19	R. Whitehead	
28.1.19	J. Cowan	
28.01.19	A. SCOTT	
28.1.19	N JONES	
28.1.19	R. Blake	
28-1.19	J-Falcones	
"	S. USM...	
28-1-19	E.M. Pridley	
28/01/19	S Whittall-Williams	
26-1-19	T Kent	
28-01-19	Gjerstad	

## Petition for support

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DATE	NAME	ADDRESS
28/1/19	Philip Brown	
28/1/19	Edin Hitting	
28/1/19	Kenneth Hollen	
28/1/19	Edward Chis	
28/1/19	John Ruck	
25-1-19	G. Patten	
28-1-19	M. P. Pritchard	
28/1/19	N. Y. ANDREWS	
28/1/19	CLAUDE ROX	
28/1/19	Ben Mann	
28/1/2019	D. GITTOS.	
28/1/2019	R. GRAVEN	
28/1/2019	A. PROSKY	
28/1/2019	D. E. BECK	
28/1/19	R. P. FARR	
28/1/19	A. Gwenter	
28-1-19	M J HAINES	
28-1-19	N J HAINES	
28-1-19	T. COTTON	

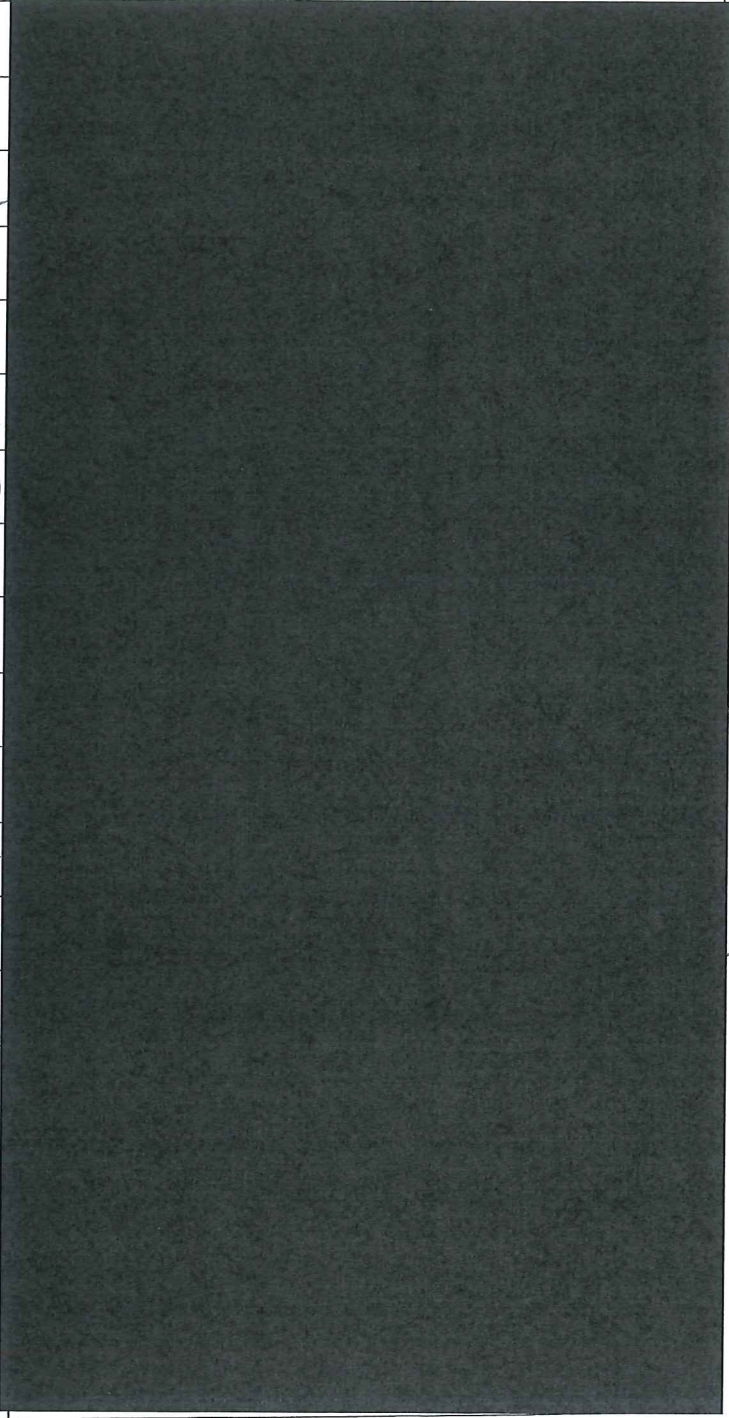
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DATE	NAME	ADDRESS
28.1.19	Diana Lane	
28-1-19	<del>W. J. J.</del>	
28-01-19	Aswynn	
28.01.19	Phil Martin	
28.01.19	Anna Martin	
28.01.19	B. Mills	
28-01-19	JOE SPECK	
28-01-19	Treacy Roff	
28.01.19	Lee Comley	
28-01-20	Winford	
28.01.19	J. Evans.	
28.01.19	J. Gwillim	
28-01-19	G. Fletcher	
<del>28-01-19</del>	A. Cramble	
"	J. Cramble	
"	Leane Barnes	
28.1.19	Hazel Godwin	
"	<del>James Storey</del>	
28.1.19	James Storey	

## Petition for support

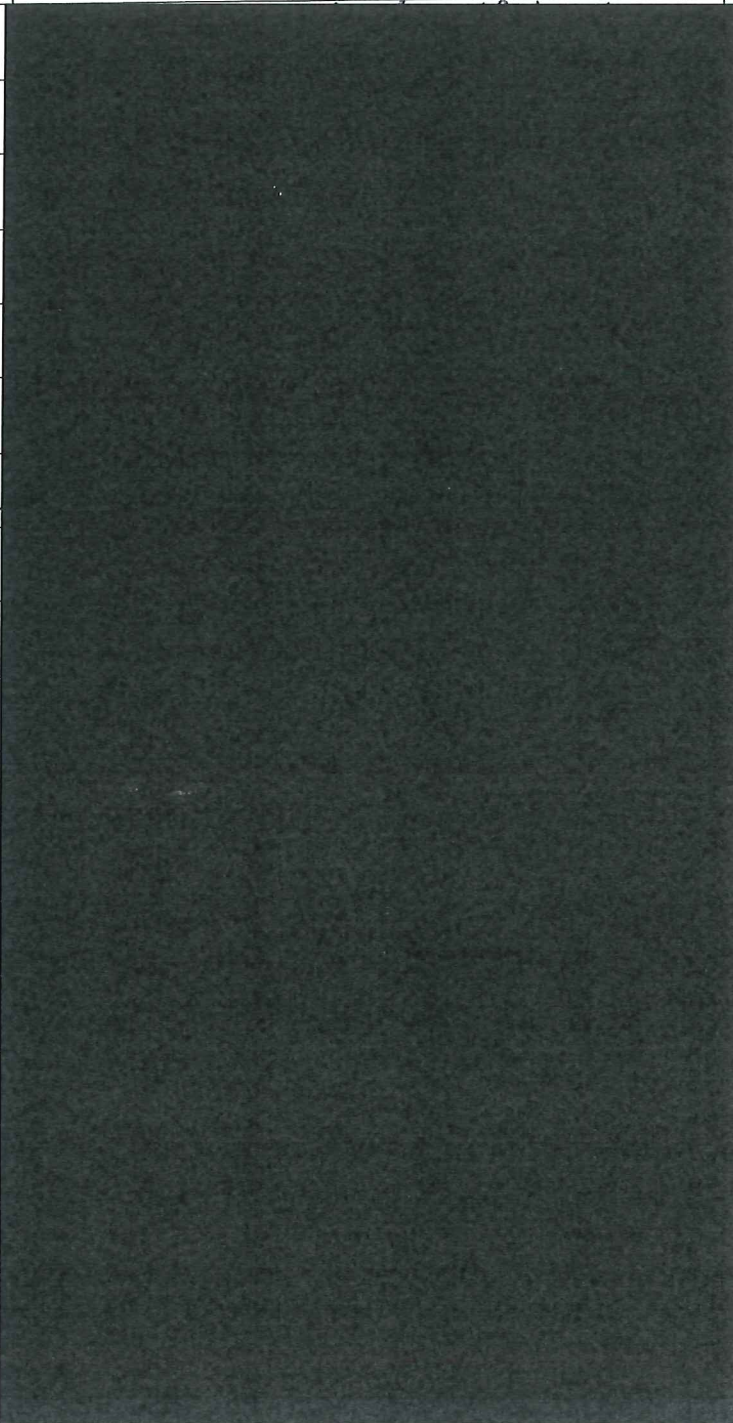
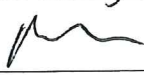
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DATE	NAME	ADDRESS
28/01/19	Josh Lennard	
28/01/19	Tom Soyer	
28/1/2019	Bernard Parry	
28/1/19	SCOTT HOWELLS	
28/01.19	Clare Preeley	
28/1/19	Roslin McNamee	
28/1/19	David Woodward	
28.1.19.	La Bell	
28.1.19	Glenn	
28/1/19	Mike Edwards	
28/1/19	DARREN McNEIL	
28/1/19	Sophie Curr	
28/1/19	Gareth Curr	
28/1/19	Rosie Price	
28/1/19	Bethan Roden	
28/1/19	TIM MARUS	
28/11/19	ANAN DANIEL	
28/11/19	E. Botchella	
28/1/19	C. Williams	



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DATE	NAME	ADDRESS
28-1-2019	Q BIBBY	
29/1/2019	R. MILLWARD	
29-1-2019	WYNHAM. POWELL	
29-1-2019	PAULINE STEEL	
19-1-2019	MICHAEL DEWES	
29-1-19	L KNOWS	
29-1-19	Kouja aini W	
29/1/19		
29.1.19	JSinclair	
29.1.19	Bowles	
29-1-19	MATTHEW PITT	
29.1.19.	Simon Pitt	
29/01/19	WAMBE BIRCH	
29/01/19.	GR Bond.	
29/01/19	B.A Bond.	
29/01/19	R. STEWART	
29/01/19	C. Powell	
29/01/19	T Dove	
29-1-19	Jim Falconer	

# Petition for support

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DATE	NAME	ADDRESS
29-1-19	DUNCAN DAVIDSON	[REDACTED]
29/1-19	Mike Bennett	
29/1/19	GEOFF LEWIS	
29/1/19	Hayden Ward	
29/1/19	Thomas Ryan	
29/1/19	Andy Sims	
29/1/19	JOHN HELMIE	
29/1/19	Jo Coppin	
29/1/19	Fred Meredith	
29/1/19	KIRSTY EMMETT	
29/1/19	W. Free	
29.1.19.	M. Vaughan	
29 1 19.	M. [unclear]	
29.1.19	Tom Watkins	
30/1/19	Eulan [unclear]	
30/1/19	R Evans	
	Ch	
	J JANDY	
30/1/19	S. J. Guest	

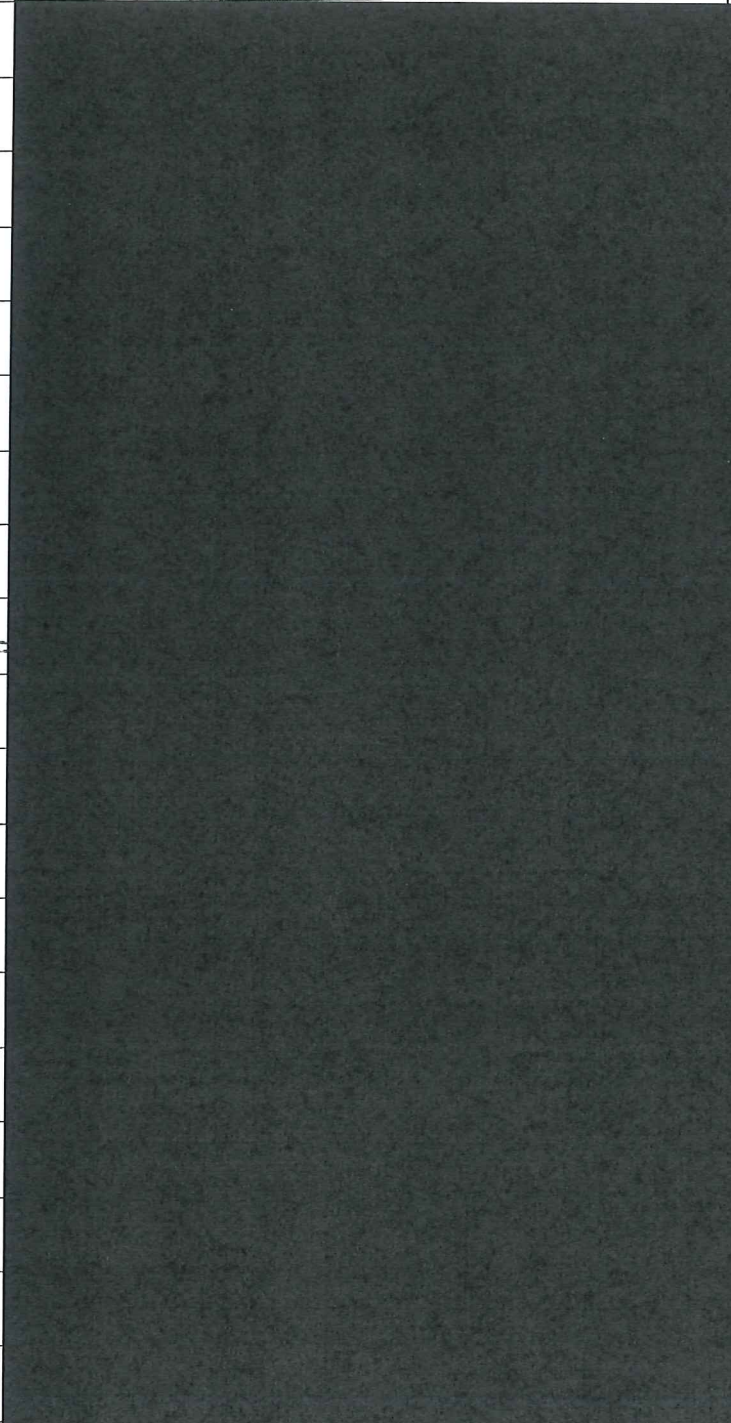
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DATE	NAME	ADDRESS
30/1/19.	Cornac Brown	
30/1/19	B. Watkins	
20/1/19	Whitby	
30/1/19	W. Langley	
30/1/2019	A. Wall	
30/1/2019	<del>M. Anderson</del>	
30-1-19	D. Smith	
30-1-19	Peter H. Day	
30/1/19.	S. McCoshin	
30/1/19	[Signature]	
30/1/19	R. J. Peabone	
"	G. W.A.	
30-1-19	W. James	
30-1-19	Clair Reece	
30-1-19	Scott Jones	
30-1-19	Tom Fletchers	
30/1/19	Debbie Peabone	
30/1/19	James Peabone	
30-1-18	Jo. Wyatt	

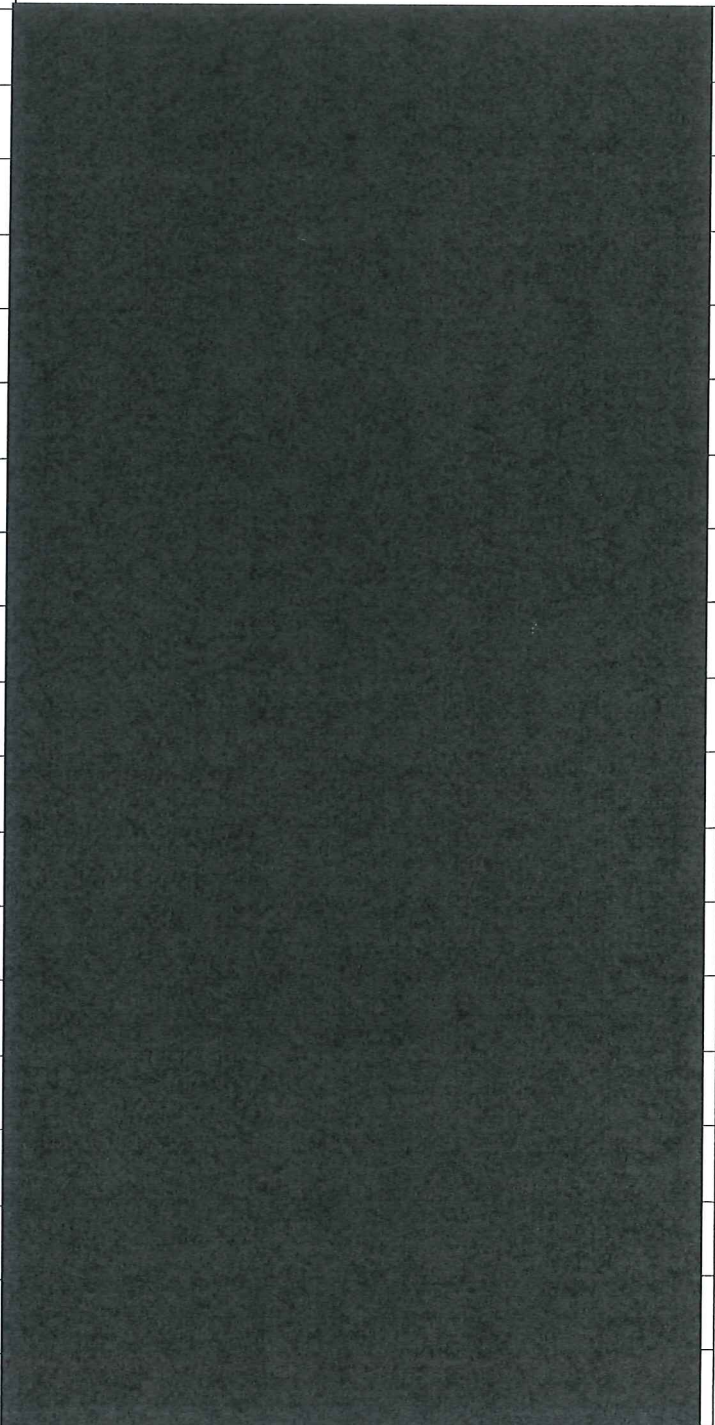
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DATE	NAME	ADDRESS
30.1.19	ALAN HUMBARBY	
30.1.19	L.T. HESP	
30-1-19	J. Smith	
3.1.19	HAKKAR	
30-1-19	G HOGHAM	
26/01/19	L. MANNING	
30/1/19	Piper	
26/1/19	Steve O'D	
30/1/19	Z. Fenning	
30/1/19	R. PEREIRA	
30/01/19	A. Cunn.	
30.1.19	DAVID SMITH	
30.1.19	T Groves	
30.1.19	S. HUGHES.	
30.1.19	M. VAREINGOV	
30-1-19	L. GIFFORD	
30-1-19	M. Gregory	
30-1-19	W. Madon	
30-1-19	R. Lavellyn	

## Petition for support

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DATE	NAME	ADDRESS
30.1.19	CAROLINE COOCE	
30.1.19	DERYN JAMES.	
30.1.19	M Tomkins	
30.1.19	S Hope	
30.1.19	K. GRETTON	
30/01/19	T. Dimbleby	
30/01/19	R. Bawdrough	
30/1/19	Sean Lewis	
30/1/19	Sophia Gretton	
"	Adam Barnes	
30/01/19	Edmund Ross	
30-1-19	CALLUM CLEWER	
30-1-19	Bill Spaeey	
"	T. Sebright	
30.1.19	I S M J	
31/1/19	J Powell	
31/1/19	STEVE POWELL	
31/1/19	JAMIE DAVIES	
31/01/19	SHAUN BISHOP	



## Petition for support

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DATE	NAME	ADDRESS
31/1/19	B.M. Nicholas.	
31/1/19	J.M. Walters	
31/1/19	SPILLUM	
31/1/19	W. SUNDAMON	
31/1/19	A. Gwillin	
"	Robert Jones.	
31/1/19	G. Wood-cobbe	
31/1/19	DT Pritchard	
31/1/19	MRAM	
31/1/19	N. PIECH	
31/1/19	S. GITTINGS	
31/1/19	V. WALDRON	
31-1-19	<del>W. J. R. O.</del>	
31/1/19	D. ATKINSON.	
31/1/19	C. Kholley.	
31/1/19	D. Gwillin	
31 1 19	Peter McHanna	
1/2/19	K MICHAEL	
1 2 19	ROB SAUNDERS	

212

## Petition for support

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DATE	NAME	ADDRESS
1/2/2019	P Wal	
1/2/2019	S Wilkins	
1/2/2019	L CASTLE	
1/2/2019	R Holland	
1/2/2019	NICK O'SULLIVAN	
1/2/2019	Rich York	
1/2/2019	LUCAS VEIGA	
01/02/2019	e A Long	
2/02/19	V Morgan	
12/02/19	M STRAKER	
"	J STRAKER	
"	A STRAKER	
<del>2-2-14</del> 2-2-14	<del>Rm Sykes</del> Rm Sykes	
2-2-14	R. Sykes	
2-2-19	D. Sykes	
2-2-19	M. FARR	
2-2-19	AN McWHIR	
2-2-19	H. Hammond	
2/2/19	P Tierney	



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DATE	NAME	ADDRESS
2/02/2019	Andrew Wadhvani	
2/2/19	Christie Htzl	
2/2/19	Gill Anderson	
2/2/19	SARAH BRIDGE	
2-2-19	STUART ADAMS	
2-2-19	RICHARD DAVIES	
3.2.19	RICHARD J. JONES	
3.2.19	Ken Palmer	
3.2.19	By Ja	
3.2.19	OLIVE RICHARDS	
3.2.19	Paula Cranford	
3.2.19	<del>Matthew</del> <sup>matthew</sup> SAUER	
3.2.19	Anthony Stratton	
3.2.19	Eill coldrick	
3.2.19	S R Keen	
4/2/19	R. Mapp	
4/2/19	Stam Quan	
4/2/19	NFWoble	
4-2-19	J anderson	

## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
5/2/14	ERIC HINTON	
5/2/19	Mairi Manol	
5/2/19	M. BURLISON	
5/2/19	D. PILE	
5/2/19	F. Lerego	
5/2/19	P DASHI	
5/2/19	AMANDA CROSS	
5/2/19	CLIVE DAVIES	
"	ANNE MARY WOOD	
"	B. Lloyd	
5/2/19	John	
5/2/19	R WILLIS	
5/2/19	T PICKERING	
5/2/2019	R. GRENFAC	
05/02/2009	N. KELLY	
5/2/2019	K RICKETS	
5/2/19	K. RADZIEGOSKI	
5/2/2019	ARL J.	
5/2/19	Steve JAC	

## Petition for support

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DATE	NAME	ADDRESS
5/2/19	Lucy Williams	
5/2/19	Nicky Merson	
5/2/19	Amy Jones	
5.2.19	Sharon Poynter	
"	CHRIS FRANKS.	
5 2 19	SR	
5/2/19	M EYLES	
5/2/19	Reels	
5-2-19.	J. Cotterrell	
5-2-19	K HAWKINS	
5-2-19	A Benton	
5/2/19	ROB BARKER	
6/2/19	B Powell	
6/2/19	MR CLAYTON	
6/2/19.	E. Holland	
7/2/19	S. Howland	
7/2/19.	R. Bowers	
7/2/19	A Nuttall	
7/2/19	PRICE R.	

# Petition for support

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DATE	NAME	ADDRESS
8/2/19	DAN HEARN	[Redacted]
8-2-19	MURRAY	
8/2/19	A. PRITCHARD	
8/2/19	STEVE BULLOCK	
8/2/18	Mark Webster	
8-2-18	PETE SWAIN	
8-2-19	MARSHALL POSEY	
8-2-19	JON PEARCE	
8-2-19	Maria Christi-G	
8-2-19	Maie Jones	
8/2/19	Mike Lewis	
8/2/19	Karen Grey	
"	Nancy Pinner	
8-2-19	Cwm Ffoden	
8-2-19	Adri	
8-2-19	Karina Wallace	
	P. F. ...	
	J. Watkins	
8-2-19	E. REASON	

## Petition for support

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DATE	NAME	ADDRESS
8.2.19	R. Chaplin	
8-2-19.	D. K. Fugh	
8.2.19	C. Bygones	
8.2.19	D. JAMES	
8,2 19	R. DUGGAN	
8.02.19	Wrotham	
8/02/19	B. Howells	
9/03/19.	L. West	
9/03/19	S. Dole	
9/3	J. Powell	
9.2.19	E. ZEPHICK	
9-2-19	E. Wadhams	
9.2.19.	M. DEVAN	
9.2.19	M. POPLER	
9.2.19.	S. CORFIELD.	
9.2.19	S. SWAIN	
9.2.19	A. DIVER	
9.2.19	M. TAYLOR	
12.19	G. H. Harris	

## Petition for support

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DATE	NAME	ADDRESS
9/2/19	Jean Loosemore	
9/2/19	Christine Watkins	
9/2/19	Malcolm Crawford	
9/2/19	Jackie Boulton	
9-2-19	PETER ROWBERRY	
9-2-19	GARY SMITHERMAN	
9.2.19	Shelley Smith	
9-2-19.	D. Thomas.	
9.2.19	R. Evans.	
10/2/19.		
20/10/19		
10/02/19	Neil Mackie	
10/2/19	J.D. KEECE	
10/2/19	E Boulton	
10-2-19	C. Ebdon	
10-2-19.	Jim Whent	
10-2-19	N KEATES	
10.2.19.	M. MATHEWS	
10/2/19	P SERVOIA	

## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
10-2-19	JEREMY BEAL.	
10-2-19	GINA QUINN	
10.2.19	JOHN CHANCE	
10.2.19	TATIANA HUARGES	
10-2-19	Dora Pustillo	
10-2-19	Paul Norman	
10.2.19.	P. Probst	
10-2-19	P. Lloyd	
10/2/19	V. Thomas	
10/2/19	Clare Williams	
10/2/19	J. W. H.	
10/2/19	E. Fox	
10/2/19	CHRIS SWANN	
10/2/19	Clare CHANCE	
10/2/19	Denis De Jesus	
10/2/19	Gaye De Jen	
10/2/19	Mare De Jen	
10/2/19	C WYNHAM-DAVE	
10/2/19	Hazel Rygh	

# Petition for support

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DATE	NAME	ADDRESS
10/2/2019	IS T LUDEN	
10/2/2019	MIS PITT	
10/2/19	LYDIA GRIFFITHS	
10/2/19	V. CARE	
10/2/19	SCWALLEN	
10/2/19	Louise David	
10/2/19	SOSH VINCENT	
10/2/19	RICHARD VINCENT	
10/2/19	G. PUGH	
10/2/19	V.M. Jones	
10/2/19	N. HOULT	
10.2.19	T. Perruzza	
10.2.19	J Spencer	
10.2.19	R. SPENCER	
10.2.19	S Lord	
10.2.19	M. Allen	
10.2.19	J. Jones	
10.2.19	M. Lewis	
11/2/19	R. Maguire	



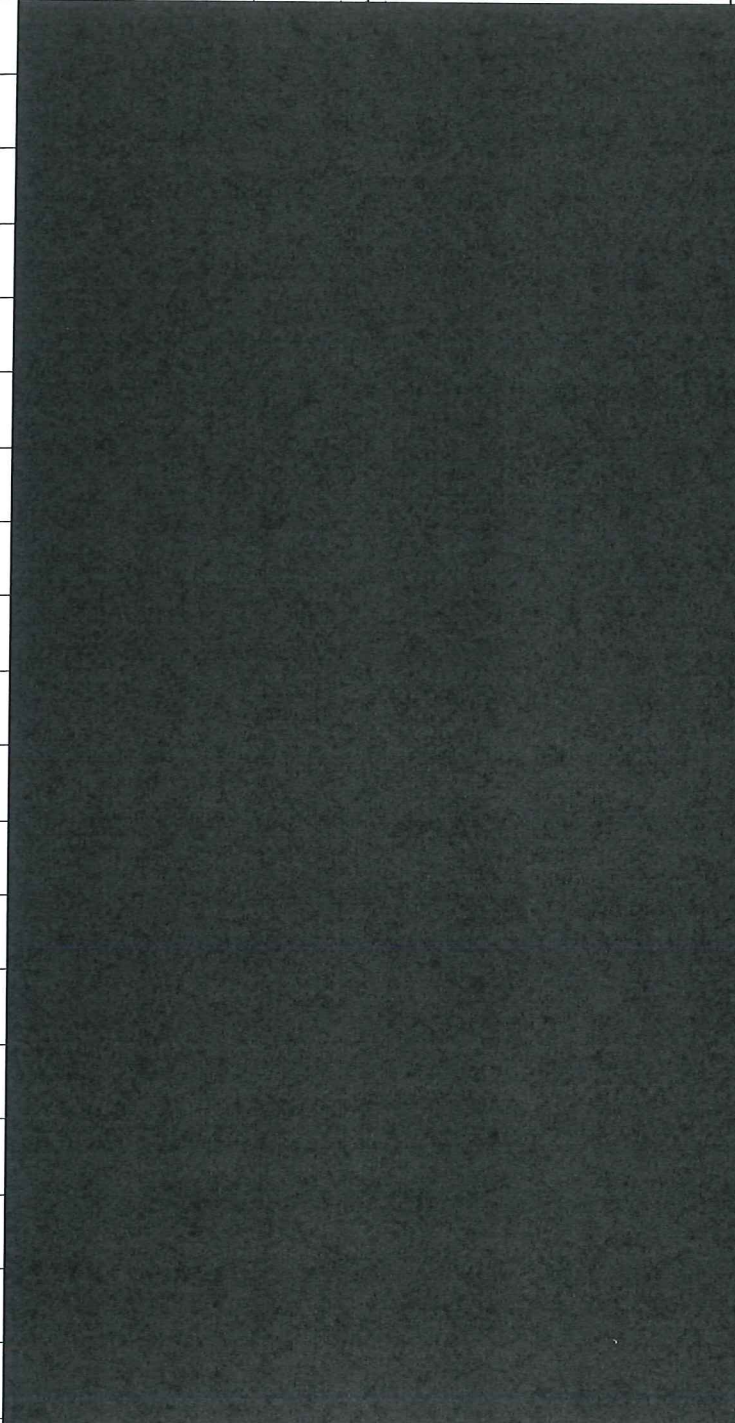
## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
10/2/19	Sam Jones	
10/2/19	Chelsie Jones	
10/2/19	Chloe Parson	
10/2/19	James Seaburn	
10/2/19	Sammy	
10/2/19	Glen	
11	R Buchanan	
11	Brian Hobbins	
11	O Shindcombe	
11	D Morgan	
10/02/19	A. FLETCHER	
10.02.19	JENNY LONG	
10.2.19	John Titterton	
10.2.19	Joyce Davies	
10/2/19	Keith Taylor	
10/2/19	Richard Gralick	
10/2/19	Usa Dando	
10/2/19	Kieran Evans	
10/2/19	Peter Tribe	

Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
10/2/19	S TERBULT	
10/2/19	E Manley	
10/2/19	B. Hoffrock	
10/2/19	W. GEANT	
10/2/19	J. MADDON	
10/2/19	N. KULAKO	
10/2/19	M. Clarke	
10/2/19	Jack H	
10/2/19	M. Pridem	
10/2/19	R. medcoe	
10/2/19	P. T. Hoyle	
10/2/19	P. EINON	
10/2/19	M. Jennings	
10/2/19	I PARDY	
10-2-19	D & Jones	
10/2/19	D. LOVETT	
10/2/19	Tom ROBERTS	
10/2/19	JASON SMITH	
10/2/19	P O'HARA	

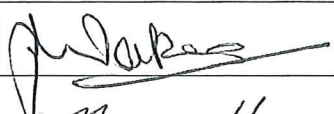
## Petition for support

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DATE	NAME	ADDRESS
11/02/19	Hannah Lewis	
11/2/19	DAVID SNEDDOOR	
11/02/19	DAVID Hackman	
11/02/19	W. B. BECKETT	
11/02/19	J. FARR	
11/2/19	E. Ryan	
11/2/19	Ly Segg.	
11/2/19	R JENNISON	
11/2/19	S. FOLK	
11/2/19	P. J. JONES	
11/2/19	Sue Harbin	
"	P. Harrison	
11/2/19	S. Lane	
11/2/19	L. KIXON	
11/2/19.	M. Talbot	
11/2/19	wjwattins	
11/2/19	Conner	
"	Woodward	
"	CLAIRE JONES.	

## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
11-2- <del>20</del> <sup>19</sup>	Jo Powell	
11-2-19	David Daniel	
11-2-19	MURPHY Lloyd	
	A PRICE	
11-2-19	T. Williams	
11-2-19	M. DISLEY	
		
11/2/19	MARIE WILSON	
11/2/19	J. JONES	
11/2/19	P. ALLEN	
"	H. SETH	
11/2/19.	P. HANNING	
11/2/19	R. SCRIBERS	
11/2/19	w. McEathen	
12.2.19	Scott Hanton	
" "	D. JOYCE	
12/2/19	J. CHARLTON	
12 2 19	K. BEINFELD	
12/2/19	N. JAMES	

## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
12.2.19	Joseph Hill	
12.2.19	Dylan Hill.	
12.2.19	CAUAM MEARIE	
12.2.19	Neil Marshall	
12/2/19	A WINDU	
12/2/19	R. Stroud	
12/2/19.	Richard Lloyd.	
	Jeff Hedderley	
12/2/19	Colin Mores	
12/2/19	Lute Nedin	
12.2.19	AUSON PRICE	
12/2/19	NICK AGNEW	
12/12/19	JAMES ANDERS	
12.12.19	Steph Davu	
12/02/19	Alex Bird	
"	Jimmy Price	
"	Kai Umney	
12/02/19	Charlie Manns	
12.2.19	h. [unclear]	



# Petition for support

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DATE	NAME	ADDRESS
12/2/19	Samuel Todd	[Redacted]
12/2/19	Tom Waller	
12/2/19	J. Williams	
13/2/19	M. O'Sullivan	
13/2/19	David Griffiths	
12/2/19	K. Bevan	
12/2/19	Donald W.	
12/2/19	Anne. Bevil	
12/02/19	Peter Haydon	
12/02/19	Callum Clemson	
12/02/19	A. London	
12.2.19	L. Brown	
12.2.19	C. HAZELL	
12/2/19	N. Brown	
12/2/19	P. Craig	
12/2/19	Rob Cisielecki	
21/2/19	S. Phillips	
12/2/19	M. SULLIVAN	

## Petition for support

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DATE	NAME	ADDRESS
12/2/19	R. Williams	
	G Radson.	
	Riffin Ball	
	BEN ROWLANDS	
	R. Meadmore	
	Carl Griffiths	
	M EAST	
	BEN TAYLOR	
	JUNE SONES	
	Cona Hollowood	
12-2-19	Lawrence James	
	DAVID BISHOP	
12-2-19	ROGER SAINSBURY	
12-2-19	ANNAHUES	
12-2-19	T LOWER	
	S. Cileen.	
13/2/19.	T. Wood	
13/2/19	L. Roberts	
13/2/19	Don Bailey	



## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
13.2.19	MIKE MEREDITH	[REDACTED]
13.2.19	Ben Lampitt	
"	Roger Barnes	
13 2 19	Ruth Young	
"	Kate Penny	
"	Jamie Roberts	
"	SIBREN DICKINA	
13/2/19	Stuart Pope	
"	MATHEW SANDERS	
13-2-19	Nick Pericli	
13-2-19	R Powell	
	J. Hardy	
13/2/19	Russell Shaffock	
13/2/19	KARMA MOULD	
13/2/19	e. Hardy	
13/2/19	[Signature]	
13/2/19	Kevin J Mills	
13/2/19	D Watson	
13/2/19	T Sheppard	

## Petition for support

We the signed below would like to support the forge filling station, our local petrol station and general store. It is a crucial part of our community which would benefit from them specialising in local ciders and branded alcohol beverages, we wish them the best and hope our signatures will be beneficial in them gaining their alcohol licence.

DATE	NAME	ADDRESS
13/2/19	S. WATSON	
13/2/19	MARIA W Ruck	
13/2/19	Brian Howells	
13/2/19.	Don Phillips	
13/2/19	MALC OLDHAM	
13/2/19	PETER OLIVER	
"	S. Dale	
13/2/19	CSIRATFORD	
13/2/19	J Cheney	
13/2/19	W B	
13/2/19.	M. B	
13/2/19	HARRY	
13/2/19	Helena Johnson	
13/2/19	A - Young	
13/2/19	A. Franks. <small>Cues please</small>	
13/2/19	RA Ruck	
13/2/19	Tania	
" " "	J Burgess	
13-2/19.	St John	

NO 700 →

## Petition for support

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DATE	NAME	ADDRESS
13/2/19	R MILLWARD	
13.2.20	Philip Hoof.	
13/2/19	W. HALL	
13/2/19	<del>STOW</del>	
13/2/19	P RUFFS	
13/2/19	Tessa Baring	
13/2/19	M. MANNING	
13/2/19	D. WOODCOCK	
13.2.19	Paul Jenkin	
13.2.19	R Davies	
13.2.19	E Addison	
13.2.19	So. Owen	
13, 2, 19	J. NORRIS	
13-2-19	W. BATHIS	
13-2-19	C. Hurst	
13/2/19	M. Eymon	
13/2/19	Huw Griffiths	
13.2.19	R. A. MANNING	
13.2.19	N. FOOT	

## Petition for support

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DATE	NAME	ADDRESS
13/02/19	PETER MCCURTREED	
13/02/19	David Worthing	
13-2-19	M PARROTT	
13/2/19	L Healey	
13/2/19	Cliff Evans	
13-2-19	Sammi Richards	
13/2/19	Joe Cornwell	
13/2/19	Keigh-Marisa Coghlan	
13/2/19	Karen Wallace	
13/2/19	Simon Thompson	
13/2/19	Scott Marshall	
13-2-19	Mark Hamilton	
13-2-19	Morgan Howey	
13-2-19	Jonathan West	
13-2-19	T.S. BAKER	
13-2-19	L Jones	
13-2-19	RH Pugh	

Forge Filling Station  
Wormbridge  
Herefordshire  
HR2 9DH

Providing Evidence

In the enclosed we intend to prove that the forge filling station is primarily used as a grocery store with customer volumes and does comply to the alcohol licencing department for us to obtain an Alcohol Premise Licence for an Off Licence.

We would also like you to be aware that after 5.30 pm we are the only shop open within 4 miles of either direction of our premises that are open to serve the rural community until the other business open in the morning.

Enclosed are:

- Photographs of premises
- Licencing laws regarding alcohol sales at rural stores supplying fuel
- Proof of unit sales of Groceries Vs Fuel
- Previous/existing and proposed grocery sales growth
- Basic lists of groceries sold
- Local residential support in favour of us gaining this licence
- Adjoining businesses and outbuildings









## Licencing Law

This 1984 law was originally intended to prevent petrol stations that have their main sales through petrol and attached businesses to them such as garage repairs, car sales it was not intended to be against rural stores, this we can prove from both council licencing laws and high court rulings.

Item 1:

If it was the intention that petrol garages with grocery stores are not able to sell alcohol why may I ask are their probably a countless amount of garages throughout the country able to supply alcohol, one typical example a petrol station only 4 miles away from us that sell over 4 million litres of fuel yearly are able to provide this service in which we are trying to gain.

Item 2:

It clearly states in the attached copy of the England and Wales High court Decisions paragraph 21 section 5.24 the approach by the council, "if a garage shop in a rural area is used more intensively by customers purchasing other products than by customers purchasing product or services for the retailing petrol the retailing of derv, the sale of motor vehicles, the maintenance of motor vehicles".

We have provided you with clear till receipts which prove the items of sales of shop items are 5x greater than the items of fuel sales.

Item 3:

As stated in the association of convenience stores appendix 1 highlighted paragraph

"if customers use a forecourt store for purchasing products other than petrol more than they do for purchasing petrol then the premises is not primarily a garage. This is based around a proportion of transaction for petrol as opposed to transactions that don't involve petrol".

Item 4:

High Court Cases, here are two high court cases that ruled in favour of the garages due to the volume of sales on Groceries Vs Fuel. The cases are 'Green Vs Justices, 13<sup>th</sup> June 1994' and the second case is 'R Vs Liverpool Crown Court 17<sup>th</sup> December 1998'. Again, about the intensity of use by customer at these premises.

Please see attached a copy of these laws and highlighted sections which are stated above.

## Licensing Law

It is 1994 law was originally intended to prevent petrol stations that have their main sales through petrol and other fuel businesses to those such as garage repair, car sales & was not intended to be applied retail motor, this was drawn from petrol supply licensing law and right about 1994.

Item 1

It was the intention that petrol garages with goods that are not able to sell petrol why are I see are most probably a certain amount of petrol throughout the country site to supply petrol, one typical example a petrol station only 4 miles away from us that sell over 4 million litres of fuel yearly and able to provide this service in which we are trying to gain.

Item 2

It clearly states in the attached copy of the Fairness and Access High Court Decision paragraph 13 that on 23rd the approach by the Council, "A garage that is a retail site would more frequently by customers purchasing other products than by customers purchasing petrol or services for the retailing petrol the volume of duty, the sale of motor vehicles, the maintenance of motor vehicles."

We have provided you with clear of receipts which prove the 11 years of price there are 22 greater than the limit of fuel sales.

Item 3

As stated in the attached of compliance notes appear, I highlighted paragraph "If customers use a forecourt, then the purchasing petrol is not petrol main, then they do for purchasing petrol then the premises is not primarily a garage. This is based around a proportion of protection for petrol as opposed to transactions that don't involve petrol."

Item 4

High Court Case here are two high court cases that cited in favour of the garage due to the volume of sales on grounds of fuel. The cases are Green vs Minister, 13th June 1994 and the second case is R vs Liverpool City Council 17th December 1994. Again, since the intensity of use by customers of these premises.

Please see attached a copy of these laws and highlighted sections which are stated above.



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# England and Wales High Court (Administrative Court) Decisions

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**You are here:** [BAILII](#) >> [Databases](#) >> [England and Wales High Court \(Administrative Court\) Decisions](#) >> Murco Petroleum Ltd, R (on the application of) v Bristol City Council [2010] EWHC 1992 (Admin) (30 July 2010)  
URL: <http://www.bailii.org/ew/cases/EWHC/Admin/2010/1992.html>  
Cite as: 174 JP 425, [2010] EWHC 1992 (Admin), (2010) 174 JP 425

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**Neutral Citation Number: [2010] EWHC 1992 (Admin)**

Case No: CO/14774/2009

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL  
30/07/2010

Before:

**MR JUSTICE CRANSTON**

---

Between:

**R (on the application of) Murco Petroleum Limited**      **Claimant**  
- and -  
**Bristol City Council**      **Defendant**

---

**Mr Roy Light (instructed by Hook and Partners ) for the Claimant**  
**Philip Kolvin QC (instructed by Bristol City Council Legal Services) for the Defendant**  
**Hearing date: 24 June 2010**

---

**HTML VERSION OF JUDGMENT**

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**Mr Justice Cranston:**

## Introduction

1. In this judicial review the claimant seeks permission to challenge the decision of the licensing (hearings) sub-committee of Bristol City Council ("the Council"). That decision was to decline to entertain its application for a premises licence under the Licensing Act 2003 ("the 2003 Act") for

premises known as Costcutter, Henleaze Service Station, Bristol so that it could sell alcohol. The claimant owns Henleaze Service Station. It operates a network of such petrol stations throughout the United Kingdom, most with convenience shops attached. Its experience is that the combination of petrol station with a supermarket or shop enhances the profitability of forecourt operations.

### Background

2. In January 2009 the claimant made an application for a premises licence to allow off-sales of alcohol from 6am to 11pm on each day of the week. The application form was in the standard format. In part "P" of the form the claimant set out the various measures it intended to take to promote the four licensing objectives such as an alarm system, CCTV, alcohol training for staff, and demanding proof of age by young people. Attached to the application was a pie chart for the period 1-15 December 2008, which showed that 16.8 percent of customers used the premises for fuel only, 16.9 percent for shop only and 66.3 percent for mixed shop and fuel.
3. Notices were given of the application pursuant to the statutory requirements. A number of representations were made. These included two representations from local residents, who referred to alcohol sales at a petrol station. The Gollop family, which live about a third of a mile away, wrote that "this is a petrol station and not a supermarket and should not be granted a licence to sell alcohol". There was reference to another petrol station with a shop in the vicinity, where the licensing committee had given the applicant time to prove that it was a supermarket rather than a petrol station. That, said the Gallop family, should be done here. Mr and Mrs Malyckyj wrote:

"We feel that the granting of such a licence would encourage binge drinking, which is something the Government is trying to discourage and will contravene the rule "Don't drink and drive!" We therefore feel that the granting of such a licence is totally inappropriate on garage premises frequented by motorists and is not conducive to a residential area".

4. On 12 March 2009, the matter was considered by the licensing (hearings) sub-committee ("the sub-committee"). In the course of the hearing the sub-committee inquired whether the premises were primarily used as a garage or formed part of premises which were primarily so used. The claimant argued that the sub-committee had no need to consider the primary use of the premises. The sub-committee rejected that and considered it had insufficient material to consider the issue properly. It decided to defer the matter. It issued a notice of adjournment until 28 May 2009. That stated that the sub-committee was dissatisfied with the information so far provided, and what further information it needed. In particular, the sub-committee sought

"... more cogent evidence of transactions broken down identifying numbers of transactions made by:-

- o customers making fuel transactions only
- o customers making fuel and convenience store transactions only
- o customers making convenience store transactions only
- o customers using the car wash facilities
- o customers using the air and water facilities ...

... over a much longer period than two weeks – preferably over a six-month period to enable them to more accurately consider the matter."

5. On 22 April 2009 the claimant wrote to demand that the application be determined. It included an advice by Mr Roy Light stating that no further evidence would be produced: the Council did not have power to consider primary use; and in any event, the evidence already provided was adequate. On 12 May 2009, the Council wrote to the claimant reiterating its request for further information, and pointing out that if the facts were as suggested in the pie chart it was in the claimant's interests to

provide the evidence. The claimant wrote again on 15 May 2009 to state that it was not willing to provide the information.

6. The claimant's letter was placed before the sub-committee. It accepted that it could not require information relating to car maintenance. It was not attempting to impose onerous obligations on the claimant and wanted a resolution of the impasse. What it desired were details of till receipts or transactions for a specified 75 minute window for each day in the period of 1-15 December 2008, the dates of the original pie chart. The claimant declined to supply further information and in its letter of 22 May 2009 suggested that the Council proceed to a determination based on the pie chart which had been produced. There was a site visit on 28 May, immediately prior to the hearing that day. At the hearing the claimant requested that the sub-committee perform its statutory duty to determine the application. Because of the claimant's refusal to provide the information requested the sub-committee to adjourn the hearing further. The Council sent a notice of adjournment. The adjournment was until the first available date following receipt of the information requested. The notice stated:

"The Committee deliberated at length but were not satisfied that the evidence produced by the appellant was sufficient to enable them to assess, on the balance of probabilities, whether the premises are excluded premises within the meaning of the Act. Further, the Committee consider that the letter dated 20 May 2009 represented a reasonable compromise to enable them to make a decision. The Committee were very disappointed that the applicants were not willing to provide the documentary evidence used to support the pie chart.

If the applicants are unable to provide the documentary evidence requested in the letter of 20 May 2009 for the period stipulated in that letter, then they should provide the equivalent information over an alternative period of two consecutive weeks".

7. On 18 June 2009 the claimant emailed the Council to state that it was not prepared to provide the information sought on 20 May 2009. Instead, it provided the same kind of pie chart information as it had originally, but for the period 1-19 April 2009. It also stated the number of times a cash point machine had been used on the premises. It explained that it could not provide itemised information since this was overwritten on a rolling monthly basis. On 31 July 2009, the Council wrote that the matter would be re-listed on 17 August 2009. It stated that the claimant need not confine its evidence to the dates requested but could select any two-week period. The Council also asked the claimant's managing director to attend the hearing to present the information requested and to answer any questions members might have.
8. At the 17 August meeting the claimant was represented by its counsel and a licensing consultant, who stated that no further information would be provided. Counsel submitted that the sub-committee had no right to determine the issue of the primary use of the premises. The sub-committee determined that it did have the power to make such a determination, for the reasons set out in its record of decision. In making its determination it took into account the Secretary of State's guidance set out in paragraph 9, which it considered to be a correct statement of the law.

"The licensing sub-committee does not accept that the applicants are unable to provide the information requested. The licensing sub-committee have been very flexible in terms of the information it has requested and the applicants have resisted each request ...

The members were unanimous that they were unable to determine what the primary use of the premises was due to the lack of transactional information covering the shop and fuel use. Therefore, the application could not be determined either way. The members did not consider that in these circumstances they could grant or reject the application as their decision could not in their opinion be an informed decision without the information that they had requested on a number of occasions.

The members were also concerned as to why the applicants were so resistant to the supply of straightforward trading information, and believe that the probable answer is simply that the supply of information would not assist the applicant's case, and indeed might lead to an immediate prosecution were a licence to be granted. However, in the members'

experience, it is far better for applicants to take a frank, co-operative approach to enable the authority to take an informed decision based on material co-operatively given rather than, as happened here, for an applicant to take a plainly selective approach based on partial information so as to persuade the licensing authority to grant the licence. The applicants' approach to this matter is inimical to the partnership approach which underpins the new licensing legislation, and members wish to record their disappointment at the outwardly uncooperative stance taken by applicants here".

9. Since the matter seemed to the claimant to have been brought to a conclusion, rather than adjourned, the claimant lodged an appeal on 17 September 2009. The Council maintained that no decision had been made in respect of the application and accordingly no right of appeal to the Magistrates' Court arose. In early November the Magistrates' Court declined to accept jurisdiction. It wrote: "The Act does not allow a Magistrates' Court to review whether the decision made by the relevant licensing authority is one which the Act permits to make". That approach was reiterated by the Magistrates' Court in late November.
10. The claimant sent a letter before action in November 2009 and this judicial review was filed on 12 December 2009. It was considered on the papers in March this year by Ian Dove QC, a deputy high court judge, who decided that the case merited an oral hearing in relation to permission to apply for judicial review. Given the pressure on the lists in the Administrative Court, and with the agreement of the parties, I treated that hearing as a rolled-up hearing to consider both permission to apply for judicial review and the substantive issue itself.

#### The legal framework

11. The 2003 Act rationalised the licensing regime to introduce a single scheme for licensing premises which sell alcohol or provide regulated entertainment or late night refreshment. For present purposes a key change was that it transferred primary responsibility for licensing from the justices to local authorities, with magistrates' courts now exercising a purely appellate jurisdiction. Licensable activities are set out in section 1 of the Act and include the sale by retail of alcohol: s. 1(1)(a). Section 3 constitutes councils as licensing authorities and section 6 obliges each licensing authority to establish a licensing committee of at least 10 members. The licensing committee may arrange for the discharge of its functions of determining an application for a premises licence by a sub-committee: ss. 10(4)(a); 10(4)(a)(i). Appeals against the decisions of licensing authorities are to the magistrates' court on questions of both law and fact: s. 181; Schedule 5. Section 4 of the Act provides that a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives. These are listed in section 4(2) as (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.
12. A premises licence is a licence authorising the use of premises for one or more licensable activities: s. 11. Applications for a premises licence are governed by section 17 of the Act:

"(1) An application for a premises licence must be made to the relevant licensing authority.

(2) Subsection (1) is subject to regulations under –

(a) section 54 (form etc of applications etc)"

The relevant regulations are the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, SI 2005/42 as amended. An application has to be accompanied by an operating schedule which as the name suggests sets out what is proposed to be done under the licence: s. 17(3)(4). Sub-section (5) provides that the Secretary of State must by regulations require an applicant to advertise the application so as to bring it to the attention of interested parties and to give notice to each responsible authority (e.g. the police; the environmental health department): s.17(5)(a)-(b). The regulations may prescribe the period during which interested parties and responsible authorities may make representations: s. 17(5)(c). Interested parties includes those living in the vicinity of the premises, that concept concerning a physical and geographical relationship: s. 13(3)(a); R(4

Wins Leisure Ltd) v Licensing Committee of Blackpool Council [2007] EWHC 2213 (Admin), [15]-[20].

13. Section 18 deals with the determination of an application for a premises licence. It reads, in part:

"18 Determination of application for premises licence

(1) This section applies where the relevant licensing authority—

(a) receives an application for a premises licence made in accordance with section 17, and

(b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

(a) to grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application".

Relevant representations are dealt with in section 18(6)-(9). In British Beer and Pub Association v Canterbury City Council [2005] EWHC 1318 (Admin); (2005) 169 JP 521; [2006] BLGR 596, Richards J said that the effect of the provisions governing the making and determining of applications is that if there are no representations from responsible authorities or interested parties, the licensing authority must grant the licence in accordance with the application, subject only to conditions. Where relevant representations are made, there must generally be a hearing and a discretionary decision must be made by the licensing authority: [14].

14. As with earlier legislation the policy of the 2003 Act is that alcohol should not be sold at service areas, garages and the like. It seems that when originally adopted the policy was directed at removing the temptation to drink and drive, although now this would be expressed as engaging the crime and disorder licensing objective. Section 176 of the Act reads, in part, as follows:

"Prohibition of alcohol sales at service areas, garages etc

(1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

(2) In this section "excluded premises" means

...

(b) premises used primarily as a garage or which form part of premises which are primarily so used.

...

(4) For the purposes of this section –

...

(c) premises are used as a garage if they are used for one or more of the following –

(i) the retailing of petrol,

(ii) the retailing of derv,

(iii) the sale of motor vehicles,

(iv) the maintenance of motor vehicles".

The predecessor provision, section 9 (4A) of the Licensing Act 1964 as amended, provided for the exclusion of garage premises from receiving a licence depending on primary use.

"(4A) Premises shall be disqualified for receiving a justices' licence if they are primarily used as a garage or form part of premises which are primarily to be used".

The editors of Paterson's Licensing Acts 2010 describe section 176 of the 2003 Act as a "better arrangement" over section 9 (4A) in situations where premises "qualified" for sale of alcohol at the time of the original licence application, but subsequently ceased to qualify because, for example, fuel sales increased. Under section 9(4A) such a development meant that the licence could only be removed upon renewal, or by revocation. Under section 176 the licence would simply cease to provide a valid authority for sales (p. 519).

15. The concept of premises being primarily used as a garage under section 176 of the 2003 Act (and section 9 (4A) of the 1964 Act) has been considered by the courts on at least two occasions. The first was in Green v Justices for Inner London Area CO/487/93, unreported, 13 June 1994, a decision of the Divisional Court. There the justices had concluded that the primary use of the garage/shop premises was as a garage. The evidence from the applicant was that during the sample dates there were twice as many customers using the shop as compared with the petrol and petrol and shop customers. As the case came to an end the justices asked for figures about turnover and on that basis they reached their decision. The Divisional Court held that they had applied the wrong test because they had compared the gross figure for petrol sales and compared it with the figure net of VAT in connection with the shop. However, it is clear from the judgment of MacPherson J (with whom Butler-Sloss LJ agreed) that there was nothing improper in the magistrates examining turnover figures to determine primary use.



16. In R v Liverpool Crown Court ex p Goodwin CO/2639/97, 17 December 1998, the justices rejected the application for an off-licence because they held that the primary use of the premises was as a garage. The matter went to the Crown Court, which dismissed the appeal. The Crown Court said that the issue was how the premises were used: it "is a garage, it is known as a garage and having viewed the photographs we take the view that it is a garage". Laws J referred to Green and then said:

"In the present case the fact is that quite apart from anything else that may be said, the Crown Court have regarded the appearance of the premises and how it is known in the locality as material to the question of primary use. That seems to me to be an erroneous approach. The question must be, what is the intensity of use by customers at the premises? So that evidence such as that of customer lists, to take an example, might be highly material".

Thus Laws J quashed the Crown Court decision on the basis of irrelevant considerations.

17. Mr Light, who appeared for the claimant, informed me that, as a result of Goodwin, evidence on primary use before licensing authorities typically takes the form of what could be described as numbers rather than turnover. In other words, the intensity of use is measured by the number of customers using the garage as opposed to the number using the garage and shop or the shop alone.

18. In my view it is a matter for each licensing authority to decide whether it will decide primary use on the basis of numbers or evidence of turnover. It will be recalled that in Green the justices had been presented with evidence of numbers but asked for evidence of turnover. The Divisional Court did not question that. There is nothing in Laws J's judgment to suggest that intensity of use – the phrase used – cannot be calculated by reference to the turnover figures.

19. The Licensing Act 2003 (Hearing) Regulations 2005, SI 2005 No. 44 ("the Hearing Regulations") governs the conduct of hearings by licensing authorities. A notice of hearing must be given and by regulation 7(1) must be accompanied by information regarding

"(d) any particular points on which the authority considers that it will want clarification at the hearing from a party."

20. There is a power to adjourn a hearing "to a specified date" where the authority considers this may be necessary for its consideration of any representations or notice made by a party: reg. 12(1)(a). Regulation 12(2) reads:

"Where an authority has adjourned a hearing to a specific date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned".

Members of the authority may ask any question of any party or other person appearing at the hearing: reg. 17. A licensing authority must make a decision within five working days from the day of the hearing: reg. 26(2).

21. Section 4(3)(b) of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The Current Guidance was issued by the Secretary of State for Culture, Media and Sport in March 2010 and laid before Parliament, although the passages cited below have remained unaltered from earlier versions. As the Guidance itself explains nothing in it should be taken as indicating that any requirement of licensing law or any other law may be overridden. That part of the Guidance relating to garages is as follows:

"Garages

5.23 Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- o the retailing of petrol

- o the retailing of derv,
- o the sale of motor vehicles
- o the maintenance of motor vehicles

5.24 The licensing authority must decide whether or not any premises is used primarily as a garage. The approach endorsed so far by the courts is based on intensity of use to establish primary use. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.

5.25 Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action or to defer granting the licence until the primary use issue can be resolved to their satisfaction".

### The claimant's case

22. The claimant's case is premised on the Licensing Act 2003 being far more prescriptive than the previous legislation. Strict time limits apply at all stages of the procedure and the powers and duties of the licensing authority are strictly controlled. Gone is the unfettered discretion of the licensing justices, contained in the Licensing Act 1964. In its place are what Paterson's Licensing Act 2010 describes as the tramlines of section 18 from which no licensing authority may depart (p. 62).
23. In Mr Light's submission an applicant is required by s.17(2)(b) to complete a comprehensive application form to apply for the grant of a premises licence, which contains no reference to garage premises or primary use. Upon receipt of the application the licensing authority must consider whether it is a valid application, complying with section 17 of the Act. Here the council accepted the claimant's application as valid and did not raise the issue of primary use. In fact the claimant attached the pie chart about use to the application form. Only one valid representation from an interested party referred to garages and alcohol, but it did not explicitly raise the issue of primary use. The Council properly referred the matter to a hearing. The notice of hearing did not request any clarification on primary use under regulation 7(1)(d). It was the Councillor chairing the hearing on 12 March 2009, who raised the issue of primary use, along with a number of other matters which the Council subsequently accepted were irrelevant.
24. In the claimant's submission the duty of the Council under section 18 is clear. It must grant the licence or refuse the licence. There is no power to refuse to determine an application. If the Council was not satisfied by the evidence on primary use it should have refused to grant the licence. The claimant could then have appealed to the Magistrates' Court. Instead the Council has repeatedly refused to do that and now claims that for a number of reasons it can depart from the clear duties laid down in section 18. The sub-committee has purported to adjourn the hearing, when there is no power to do this. The suggestion in paragraph 5.25 of the Guidance, that a licensing authority can defer matters, is wrong, for it would have the effect that the licensing authority could defer an application indefinitely, thus not only denying an applicant a licence but also precluding the opportunity to advance its case by way of appeal to the magistrates' court. There is no legal basis for deferment referred to in the Guidance and none contained in the Act. It would be quite wrong to utilise the general powers conferred by section 111 of the Local Government Act 1972 as it would not facilitate the objectives of the 2003 Act. Instead, deferment would defeat the force of section 18 and effectively remove the right of appeal. Moreover, the adjournment was not to consider any representation or notice made by a party, nor was it to a specified date with the parties notified of the date, time and place to which it had been adjourned as required by regulation 12 of the Hearing Regulations. To allow repeated adjournments under regulation 12 would have the effect of defeating the wording of section 18 and effectively removing the right of appeal.
25. Mr Light submitted that regulation 17, enabling members of the authority to ask any question of any party or other person appearing at the hearing, does not give an implied right to an answer if that is not

forthcoming. A licensing authority cannot adjourn a matter indefinitely while it waits for an answer. The proper course for a licensing authority, faced with what it perceives as an uncooperative, unreasonable or dishonest applicant, is to refuse the application. There is then the possibility of an appeal to the magistrates' court. If the authority's decision is upheld it is protected in costs. To allow a licensing authority the power to ask for whatever information it wishes, and to fail to make a determination if that evidence is not forthcoming, or is considered insufficient, takes away the fundamental right of appeal against the decisions of licensing authorities.

### Discussion and conclusion

26. In this case the claimant made an application for a premises licence to enable it to sell alcohol from a shop attached to one of its petrol stations. The application triggered "relevant representations" under section 18(6) of the 2003 Act, including from at least one "interested party" as defined in section 13(3) (a). That was the letter from Mr and Mrs Malyckyj. The Gallop family also wrote, although the claimant contends that they are not an interested party because they do not live in the vicinity of the premises. There is no need for me to determine that issue, since it is accepted that the Malyckyjs qualify as interested parties.
27. There was then a hearing before the sub-committee. The claimant accepted that it was proper to hold that hearing pursuant to section 18(3)(a). Under sections 4 and 18(3)(b) the sub-committee was under a duty in deciding on the application to act in such a way as was necessary to promote the licensing objectives and in accordance with the overarching duty to carry out its licensing functions with that end in view. To put it in the terms of the legislation, the Malyckyj's letter engaged the crime and disorder and public safety licensing objectives. If the premises were primarily a garage and so were excluded premises under section 176, their use for the sale of alcohol would be unlawful, thus also engaging the crime prevention objective. The issue of the juxtaposition of petrol sales and alcohol was thus firmly before the licensing sub-committee. In my view it was bound to consider it given the Parliamentary policy on sales of alcohol at petrol stations. In reality the issue became the extent to which the sub-committee was entitled to pursue it.
28. The first issue is whether the sub-committee was entitled to ask the claimant for trading information. It will be recalled that the sub-committee was not satisfied with the information it had received, which amounted to the pie chart of use over a two week period some months earlier. In my view it had the legal power to ask for further information. At one point Mr Light seemed to suggest that the Malyckyjs' representation was insufficient to enable the sub-committee to ask a question concerning the use of the garage, and that nothing less than a specific reference by them to the terms of section 176 would have done. If so, I reject such a technical interpretation. It is far removed from the administrative system with democratic participation by local residents contemplated by the 2003 Act. The Malyckyjs' representation raised squarely the issue of sale of alcohol from garages. The licensing authority set out to ascertain whether this was excluded premises within the meaning of the legislation.
29. Moreover, the fact that clarification was not asked for on a particular point in the notices of hearing sent out under regulations 6 and 7 in no way limits the pursuit of the point at a hearing. Otherwise a resident who had made a perfectly sensible representation would be debarred from pursuing it, not by his or her own actions but by what a licensing authority had or had not requested of the other party by way of clarification. I reject any suggestion that if a point is not mentioned in a notice of hearing this prevents any party, or the sub-committee itself, from raising questions on material matters. Notices of hearing as pro forma documents cannot limit the ability of sub-committees to investigate issues so as to promote the licensing objectives through their decision-making.
30. Regulation 17 of the Hearings Regulations clearly permits the authority to ask any question of any party. Moreover, in my judgment section 111 of the Local Government Act 1972 confers an incidental or implied power on the sub-committee 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, in this case responding to the Malychyj's representations so as to promote the licensing objectives: see Chief Constable of Nottinghamshire Police v Nottingham Magistrates Court [2009] EWHC 3182 (Admin), [35]. I note in passing that whereas Schedules 6 and 7 of the 2003 Act amend and repeal other sections of the Local Government Act 1972, they do not touch section 111.

31. Thus the question arises, about what information was the sub-committee able to inquire? I have already said that the authorities recognise that trading information is relevant to the issue of "excluded premises" under section 176 of the 2003 Act. In my view there can be no question but that the sub-committee could ask about that information. There is no need for me to draw the parameters to the information the sub-committee could ask about. Relevance and materiality are obviously central considerations. The sub-committee requested further information regarding the operation of the garage, such as car wash figures, but now concedes that it had no right to do that.
32. Once the claimant failed to respond to the question on turnover, the next issue is whether the sub-committee was entitled to adjourn the hearing for a satisfactory answer. In my view it could do so, since regulation 12 confers a specific power to adjourn where necessary for the consideration of a representation made by a party. It is not a limited power to adjourn, for example, because a person falls ill, as Mr Light at one point suggested. In my view the Guidance is correct when it advises that where there is insufficient information about primary use the authority may defer the matter until the question is resolved to their satisfaction. Here, the Malychj representation had specifically concerned the juxtaposition of alcohol and petrol sales. No answer was forthcoming and the sub-committee adjourned. However, an adjournment must be to a "specified date" under the Hearing Regulations. On 17 August the sub-committee, in effect, adjourned the matter generally. What in my judgment it should have done was to adjourn the matter to a later, specified date, albeit that it appeared a stalemate had been reached and the matter might have to be adjourned yet again.
33. Thus in my view the sub-committee was entitled to adopt the approach it did to the refusal by the claimant to answer the question about trading figures. The answer lay wholly within the claimant's own knowledge and was relevant and material to a consideration of the representation and the promotion of the licensing objectives. As a matter of law trading figures can be used to determine the issue of primary use under section 176: Green v Justices for Inner London. The sub-committee was entitled to adjourn the matter until the information, lawfully required, was provided.
34. Any other construction of the powers of a licensing authority would turn it into a cipher. It would be forced to make a decision on less information than necessary to promote the licensing objectives. A licensing authority must be able to pursue issues of public safety, the protection of children from harm and other objectives of the 2003 Act. The example proffered by Mr Kolvin QC, for the Council, is apposite:

"Imagine a rock festival. A temporary spectator stand is proposed. A question is raised whether it will be safe or a death trap. On the claimant's showing, the applicant can simply refuse to tell the authority anything about the means of construction, the expertise of the designer or the safety certification process, defying the authority to refuse the application and risk having to respond to an appeal, with all the unnecessary cost and time that that would entail".

The claimant's interpretation of the provisions of the 2003 Act and attendant regulations would make a mockery of the standing of the Council as the licensing authority and its function as the primary decision-maker. It would also be inimical to the aim of the legislation to promote the licensing objectives. Perhaps as important it would frustrate the role which local residents have in making representations under the 2003 Act and would downgrade the role of democratically elected decision-makers.

35. I dismiss the claim.

PART I - DELEGATED

8. LICENSING ACT 2003 - SUPPLY OF ALCOHOL FROM PETROL FILLING STATIONS (DHH)

1. Summary

1.1 This report advises when a local licensing authority may grant a premises licence to permit the supply of alcohol from a premises which appears to be an 'excluded premises' by virtue of being a garage or fuel filling station.

2. Details

2.1 Section 176 of the Licensing Act 2003 states: No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

2.2 In this section "excluded premises" means; premises situated on land acquired or appropriated by a special road authority<sup>1</sup>, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or premises used primarily as a garage or which form part of premises which are primarily so used.

2.3 The Act states that premises are used 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.

2.4 At first glance the law seems very clear on this matter. However it is well known that many fuel filling/service stations have been selling alcohol from long before the Licensing Act 2003 came into force, under the amended Licensing Act 1964.

2.5 The situation arises from an appeal in 1994 *Green v Inner London Licensing Justices*. In a case decided under the Licensing Act 1964, s9(4A) upon hearing an application for a justices' licence in respect of a service station licensing justices had inadvertently compared gross turnover derived from the sale of fuel (including all taxes and duties) with the net turnover from sales of non-disqualifying products. The Divisional Court quashed the justices' finding that the premises were disqualified by reason of subsection 4A and remitted the case for a re-hearing. The Justices' licence was subsequently granted, and the Divisional Court decision became binding upon the lower courts.

2.6 This ruling was further tested in *R v Liverpool Crown Court, ex p Goodwin* in 1998 when Laws J held that the Crown Court had misdirected itself in finding that "the appearance of the premises and how it is known in the locality as material to the question of primary use. That seems to me to be an erroneous approach". The lower court had also had regard to "gross takings", contrary to the test which had been applied in *ex p Green*. Quashing the decision Laws J suggested that the issue for the purpose of the Licensing Act 1964, s9 (4A) must be "What is the intensity of use by customers at the premises?" Lists of customers, classified by usage, "might be highly material".

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<sup>1</sup> Special road authority refers to either the Minister for Transport or a local highway authority acting – the context relates to motorway service centres

- 2.7 The Licensing Act 2003 substantially reproduced the model for the exclusion of so-called "garage premises" that has existed since the 1964 Act was amended by the 1988 Act. However, historically premises were disqualified from receiving a justices' licence, whereas under the new legislation a Premises licence which has already been granted is stated simply to be *of no effect* where the relevant premises are, or become, "excluded". This is a much better arrangement which covers the situation where premises "qualified" for sale of alcohol at the time of the original licence application but subsequently ceased to qualify because, for example, fuel sales increased. Traditionally such a development meant that the licence could only be removed upon renewal or by revocation. Now, the licence would cease to provide a valid authority for sales.
- 2.8 In a prosecution under Section 136 of the Licensing Act 2003 (unauthorised licensable activity) it would be for the prosecution to establish that even though an ostensibly valid premises licence existed, the premises had become "excluded" by reason of the altered nature of the business. Whereas it was previously incumbent upon the licensing justices to undertake a detailed consideration of whether, on the evidence, garage premises were entitled to be granted or receive a justices' licence at the time of the application, it can be argued that under the new regime such an approach is less important since any such licence granted permitting the supply of alcohol will simply be null and void if the premises are or become, technically, excluded.
- 2.9 Although licensing practitioners consider this a better arrangement, there is now no compulsion upon the license holder to periodically convince the licensing authority (previously the justices every three years) that the licence is still of effect. In the future, before any prosecution might be contemplated, where it is suspected by the LLA or held by a representation that a garage/service station had technically become excluded for whatever reason, it would be prudent to first call for a review of the licence. Subject of course to sufficient evidence to justify the decision, the LLA could require the licence holder to assess the intensity of the use on a continual basis for a specified period, and to report the data to the LLA. Modern tills are capable of recording the value and volume of fuel sales versus non fuel sales and combined transactions.
- 2.10 Of course, such a review may be requested by a responsible authority but cannot be initiated by the LLA itself.
- 2.11 Guidance to the trade from the Association of Convenience Stores is given at Appendix 1.
3. **Options/Reasons for Recommendation.**
- 3.1 This report was initially requested for information only. However Committee may wish to include more detailed reference to how this LLA will interpret and address s176 in the consultation draft of the local licensing policy review. This would have the benefit of offering an explanation of the process to those who might wish to object to a new or varied licence application and to make it clear to applicants of the nature and detail of the evidence required to show that the premises is not already excluded under the Act.
- 3.2 Applications from garage/service station proprietors will normally be supported by a legal representative familiar with the case law that has provided guidance in the past. Such applications will no doubt be supported by a dossier of evidence, obtained by customer survey, which will attempt to convince the Licensing Sub-Committee that the net turnover from fuel sales is currently less than that from non-disqualifying products (groceries, tobacco etc).
- 3.3 For the one application that has been determined for a premises licence permitting supply of alcohol at a fuel station in Three Rivers, the dossier of evidence was presented to the Sub Committee on the night of the Hearing. This gives little time for a detailed examination of the facts. Officers recommend that

in future this evidence is included with the application and that the Licensing Officer be authorised to reject applications that are made without such evidence.

4. **Policy/Budget Implications**

4.1 The recommendations in this report are not currently within the Council's agreed local licensing policy.

5. **Financial Implications, Equal Opportunities, Staffing, Environmental, Website Implications**

5.1 None specific.

6. **Legal Implications**

6.1 If the approach in this report at 3 is adopted this will improve the quality and robustness of such decisions. It will also be helpful and fair to unrepresented applicants.

6.2 However Committee should be wary of being too prescriptive as to the nature and amount of supporting information it requires, as this might be said to fetter its discretion. Ultimately the evidence is a matter for an applicant and his advisers.

6.3 If no information is supplied to show, on a balance of probability, that the premises are not 'excluded', then the application should be refused.

7. **Community Safety Implications**

7.1 Applications for a review of a Premises licence at a service station are likely to be made by Trading Standards, concerning under age sales of alcohol, or the Police on the same grounds or from a prevention of crime and disorder perspective.

8. **Risk Management Implications**

7.1 There are no risks to the Council in agreeing the recommendations at this stage. Any risk identified by adopting the suggestion at 3.3 will be included in a future report detailing the full results of licensing policy consultation.

9. **Recommendations**

9.1 That the Committee notes the contents of this report.

9.2 That the 2007 consultation draft of the statement of local licensing policy be amended to include reference to; the criteria that will be used by the LLA in determining applications from petrol & DERV filling/service stations, and the information that will be needed at the application stage to assist the LLA in processing the matter.

**Background Papers**

Paterson's Licensing Acts 2007 Vol 1, ISBN 1-4057-1588-x, Lexis Nexis Butterworths

Report prepared by: John Scott, Commercial Standards Manager

**Appendices**

Appendix 1 – Guidance from the Association of Convenience Stores

# Association of Convenience Stores

## ACS Introduction

This is an independently commissioned legal briefing from Professor Roy Light, University of West of England for the Association of Convenience Stores and Lockett & Co. It sets out the current case law on Section 176 of the Licensing Act 2003, this is a re-enactment of provisions s.9 (4)(A) and (B) of the Licensing Act 1964. This paper explains the criteria against which the “premises used primarily as a garage” test has been addressed in case law.

The reason that many forecourt store operators have legally obtained alcohol licences is because they have satisfied the court that their sites are not primarily a garage based on:

**Turnover:** If a store is a bigger part of the business than the sale of fuel, then it is not primarily a garage. It is important though to acknowledge that these calculations are only done fairly if they are presented net of VAT and duty, which is disproportionately high on petrol.

**Customer Use:** If customers use a forecourt store for purchasing products other than petrol more than they do for purchasing petrol then the premises is not primarily a garage. This is based around the proportion of transactions for petrol as opposed to transactions that don't involve petrol or involve petrol and other goods. If as is the case for many convenience stores proportion of solely petrol transactions are not significantly larger than the proportion of non petrol or mixed transactions then the premises is not primarily a garage.

Any questions contact Shane Brennan, Public Affairs Executive, Association of Convenience Stores on 01252 515001 or email [shane.brennan@acs.org.uk](mailto:shane.brennan@acs.org.uk)



## Licensing Act 2003 – premises primarily used as a ‘garage’ Professor R. Light – University of West of England

Section 176(1) Licensing Act 2003 provides that ‘No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises’. One type of excluded premises is defined by s.176(2)(b) as ‘premises used primarily as a garage or which form part of premises primarily so used’. ‘Premises are used as a garage if they are used for one or more of the following purposes’ - the retailing of petrol or derv, the sale or maintenance of motor vehicles (s.176(2)(c)).

How will this section fall to be interpreted by local authority licensing committees? While at first sight it may appear an easy and unproblematic provision – ‘there are petrol pumps at those premises, therefore they are used as a garage, therefore they are disqualified’ – it is a specific and technical section requiring careful interpretation and application. And as such is far from simple.

Section 176(2)(b) and (c) of the 2003 Act intentionally, and effectively in the same words, re-enact the provisions contained in s.9(4)(A) and (B) of the Licensing Act 1964. Valuable guidance on interpreting and applying s.176 can therefore be found in the way in which the courts and licensing committees have approached s.9 of the 1964 Act. High Court and Crown Court decisions, together with decisions of licensing committees, have contributed to a developing jurisprudence in the application of the law.

### Background

‘Garage’ premises vary dramatically. There is the (increasingly rare) forecourt with pumps, workshops carrying out servicing, repairs and MOTs, a used car lot and a small shop selling motor spares and accessories. Contrast this with a modern site retailing fuel from a convenience store selling a wide range of groceries and other items. For as *Paterson’s Licensing Acts* put it ‘service stations continue to be used increasingly for the purpose of shopping as well as, or instead of, places for the purchase of fuel ...’ (*PLA, 2000, p.xiii*).

### Burden of proof

There is no general disqualification. Premises are only disqualified if they are primarily used as a garage. There is an important distinction here. It is sometimes said that applicants must show that the premises are primarily used as a shop. This is not the test. The test is are the premises primarily used as a garage? So, it is submitted, there must be significantly more garage use than other use for the premises to be disqualified. If there is roughly the same use, for example, as a shop and as a garage, there is no primary use and therefore no disqualification. The tribunal must be satisfied on a balance of probability that the premises are primarily used as a garage, otherwise the premises are not disqualified.

### Meaning of ‘used as a garage’

The first task is to ascertain the meaning of the term ‘used as a garage’. What is garage use? The term is limited by the words of the legislation to four activities - the retailing of petrol or derv or the sale or maintenance of motor vehicles. Other activities that may relate to motor vehicles are therefore not included, for example car hire or a coach business. Of the four ‘garage’ activities, retailing of petrol or derv and sale of motor vehicles are straightforward and have not led to any difficulties of interpretation. ‘Maintenance of motor vehicles’ has.

#### *‘Maintenance of motor vehicles’*

Given its ordinary meaning ‘maintenance’ includes workshop activities such as the fitting of exhausts, tyres, clutches and engines or the carrying out of maintenance services. There is a dedicated workshop area with spanners, ramps, mechanics and large drums of oil. Any such activity will be included as garage use when assessing the primary use of the premises.

However, objectors to licences have, on occasions, sought to stretch this definition to include the sale of items such as motor oil and car care products (polish, air fresheners, de-icer, etc)

from the forecourt shop. While such an argument may have a certain superficial attractiveness – ‘it’s to do with motor vehicles therefore it must be garage use’ - closer inspection proves otherwise. It must be maintenance of motor vehicles; simply to be related to vehicles is not sufficient. It is generally agreed that such sales falls outside the definition of maintenance, as what they amount to is sales of items from a shop. The same items can be bought at a variety of premises, for example, most supermarkets; does this mean that those premises are then being used as a garage?

It is also sometimes claimed that car wash and jet wash facilities are maintenance of motor vehicles. Again, it is generally agreed that these are not the types of activity envisaged by the legislature. The washing is carried out by the customer, rather than by staff at the premises, and it is not ‘maintenance of motor vehicles’ in the generally accepted use of the term. It is cosmetic. While the changing of oil and tuning of engines is usually listed in a car maintenance schedule, washing the vehicle is not.

Evidence of how premises used

#### *Authorities*

Having arrived at an understanding of what constitutes ‘garage use’, how is such use to be measured? Initially both financial turnover and customer visits were considered. The former proved problematic on two grounds. First, the large amounts of duty and vat involved in fuel and some shop sales needed to be removed to make a fair calculation. Secondly, the turnover of the premises is a less accurate method of assessing customer use than measuring customer use. Thus evidence of customer use is generally provided.

Two High Court cases have assisted consideration of how the premises are used. The first is *Green v Justices for the Inner London Area* (13 June 1994) QBD (Divisional Court). This case is authority for the proposition that if figures for financial turnover are used they must be net of duty and vat. However, the judgment was that if net figures were presented the licensing justices ‘may’ have come to a different decision – not would have come to a different decision. *Green* also recognised ‘a large gain’ for applicants as there were many more shop customers than fuel customers.

The second case, *R v Liverpool Crown Court, ex parte Kevin John Goodwin* (17 December 1998) QBD (Divisional Court) was much more certain in its view that the: ‘... appearance of the premises and how it is known in the locality’ are not relevant: ‘the question must be, what is the intensity of use by customers at the premises? So that evidence such as that of customer lists, to take an example, might be highly material’.

As *Paterson’s Licensing Acts* put it ‘This seems to us, to be both an appropriate and practicable approach to the interpretation of a measure which, presumably, was intended by Parliament to bear upon the purposes for which the public actually use particular premises’ (2000, p.xiv).

Since *Goodwin*, data showing the intensity of use by customers are generally accepted as the best evidence of how premises are used. For most applications these data are produced in the form of a till analysis - either produced manually or, more usually, from computerised records such as EPOS tills (electronic point of sale).

#### *Presenting the data*

Figures for a number of weeks or months (not too far back as the tribunal is interested in the trading pattern of the premises at the date of grant for a full licence) are taken to show the number of customers that used the premises for garage use against other uses. Typically other uses will be shop use - sometimes referred to as a ‘basket analysis’ because it is customer visits rather than number of items purchased that are recorded. So the purchase on one item or ten items from the shop (a ‘basket’ of items) will be recorded as one transaction - as will a purchase of five or fifty litres of fuel. Some customers, of course, will purchase both shop goods and fuel - combining garage and non-garage use in one transaction. This will

then either be shown as a separate category - garage use, shop use and mixed garage and shop - or simply be divided and added equally to shop and garage use.

#### *Provisional grants*

Here it will be necessary to present projected figures to demonstrate how the premises will trade when they are built, extended, rebuilt, converted or in some other way altered that will lead to a change in their use. For the tribunal must look at the premises on the date that the licence is received - ie at final order. Tribunals may wish to hear evidence on the accuracy of such projections and how they were arrived at. This will usually be provided by expert evidence from those producing the figures - as to provenance, method of calculation and, importantly, examples of other applications where projections have been used and shown to be accurate.

#### Meaning of 'primarily'

Having established what is meant by garage use, and what evidence should be used to measure use, the tribunal then needs to look at these data to establish whether the premises are primarily used as a garage. What does 'primary' mean? For the Oxford English Dictionary it means 'In the first place, first of all, pre-eminently, chiefly, principally; essentially' (OED, vol. XII, p.472).

As mentioned above, this interpretation suggests that there must be significantly more garage use than other use. If there is roughly the same use, for example, as a shop and as a garage, there is no primary use and therefore no disqualification.

#### **Summary**

The Licensing Act 1988 amended the Licensing Act 1964 to include the provision that premises primarily used as a garage are disqualified for holding a justices' licence. The Licensing Act 2003 re-enacts that provision. The retail-trading environment for both local shops and garages/petrol filling stations has changed dramatically over the last fifteen years. Courts and committees have recognised this in the way in which they have approached the task of interpreting the legislation. When the 1988 Act was passed there were some 190 licensed garage/forecourt shops in England and Wales, today the number approaches 2000.

then either be shown as a separate category - garage use and mixed garage and shop - or simply be divided and added equally to shop and garage use.

There will be necessity to present detailed figures to demonstrate how the premises will be used when they are built, extended, altered, converted or in some other way adapted that lead to a change in their use. For this purpose, it must be the purpose on the date that the licence is granted - or at least when the licence may wish to have evidence on the nature of such projections and how they were arrived at. This will usually be provided by expert evidence from those preparing the figures - as to government method of calculation and, in particular, evidence of other applications where projections have been used and shown to be accurate.

It is important to identify the use of premises which is not to be used in the premises. The licence will need to be used to restrict what the premises are primarily used as a garage. This is the case for the Great British Offshoot. It means in the first place that of all the premises, only (probably) residential use is to be used.

As mentioned above, the interpretation suggests that there must be a significant use of the premises for other use. If there is nothing, the same use, for example, as a shop and as a garage, there is no primary use and the case on the other side.

**Summary**  
The Licensing Act 1968 provided the Licensing Act 1968 to require the provision that premises primarily used as a garage are excluded for holding a licence. The Licensing Act 2003 requires that provision. The new-coming - provision for both shop and garage/other (including filling stations) has changed dramatically in the last few years. Courts and committees have recognised this in the way in which they have acted. The task of interpreting the legislation. When the 1968 Act was passed there were some 100 licensed garage/other shops in England and Wales, today the number has grown to 200.

## Grocery sales at start of business/currently and forecasted

- When we took over the existing business in May of 2018 groceries at these premises were of a low- medium sales.
- In the last 6 months grocery sales have grown by over 40% and are continuing to grow.
- Expansion – the grocery sales will continue to grow due to several factors listed below.
  - Hard work and determination by myself and my staff providing a professional and rural shop experience.
  - In the very short coming future up to 120 properties are being built close to our rural garage this will increase the demand for grocery sale exponentially.
  - We are planning in the fore coming future to take over the adjoining business to increase out shop floor space and specialise in local Herefordshire produce on a much grander scale than we are excitingly.

## Basic List Of Groceries

We categorise ourselves as a rural general store because the footfall of traffic is to purchase groceries medication pet supplies, animal supplies, please find a small basic list as an example.

Frozen Foods - ready made meals, vegetables, meats, chips and fish.

Shelved Produce - bread, eggs tinned vegetables, fruits, fish, soups, general toiletries, packet mixes, pastas and sauces, oil and cereals.

Medication - pain killers, dental hygiene, shaving products and general medication.

Fridge – Milk, butter, ham, cheese, bacon, sausages, sandwiches and burgers.

Local Produce Section - Including a wide variety of Herefordshire cakes, cordial, biscuits, jams, spreads and preserves.

Pets - Sacks and tinned dog food, dog treats, pet essentials, accessories, bird feed, indoor pet supplies for hamster's guinea pigs' and rabbits.

Farm Animal Feed - sheep, horse, donkeys and chickens.

General Store Supplies - Confectionary sweets chocolate crisps and beverages

These lists can continue indefinitely.

You will be able to see some of these items in the photos that were provided at the beginning.

## Representation made by the Local Authority 20<sup>th</sup> 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 4<sup>th</sup> July a new till system was installed.

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

13/07/18	Diesel Sales	46.97%	£1637.97
	Unleaded petrol	22.02%	£ 769.44
	Red diesel	6.38%	£ 222.99
	<b>Total</b>	<b>75.37%</b>	<b>£2630.40</b>
	<b>Total Sales</b>		<b>£3494.38</b>
	<b>Other sales</b>		<b>£ 863.98</b>
25/08/18	Diesel Sales	42.84%	£1833.85
	Unleaded petrol	26.85%	£1148.59
	Red diesel	12.14%	£519.54
	<b>Total</b>	<b>81.83%</b>	<b>£3501.98</b>
	<b>Total Sales</b>		<b>£4280.26</b>
	<b>Other sales</b>		<b>£ 778.28</b>
01/10/18	Diesel Sales	55.25%	£2204.02
	Unleaded petrol	20.27%	£ 808.54
	Red diesel	5.53%	£ 220.46
	<b>Total</b>	<b>81.05%</b>	<b>£3244.02</b>
	<b>Total Sales</b>		<b>£3989.04</b>
	<b>Other sales</b>		<b>£ 745.02</b>

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### Sales By Product (Daily Sales) HELP

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Show data from

Custom  
01 Oct 2018 - 01 Oct 2018

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All Staff

Filter by Device

All Devices

Search by Product Name

diesel

Filter by Tags

Select

SEARCH

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CALCULATE

NAME	DESCRIPTION	BARCODE	ORDER CODE	BIANO	QTY	MEASURED QTY	SALES INC. TAX	DISCOUNT	NET SALES INC. TAX	NET SALES EXC. TAX	COST PRICE EXC. TAX	TOTAL MARGIN	TOTAL MARGIN %
Diesel	Diesel Price				49		£2,204.02	£0.00	£2,204.02	£1,836.70	£0.00	£1,836.70	100.00%
Rcd	Rcd Diesel				5		£220.46	£0.00	£220.46	£209.96	£0.00	£209.96	100.00%
Diesel					54		£2,424.48	£0.00	£2,424.48	£2,046.66	£0.00	£2,046.66	100.00%

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<u>November</u>		<u>October</u>		<u>September</u>		<u>August</u>		<u>July</u>	
<u>Goods</u>	<u>fuel</u>	<u>Goods</u>	<u>Fuel</u>	<u>Goods</u>	<u>Fuel</u>	<u>Goods</u>	<u>Fuel</u>	<u>Goods</u>	<u>Fuel</u>
364	82	359	82	360	72	453	97	372	103
388	90	363	57	468	99	461	83	342	64
402	64	373	85	464	102	357	82	322	50
357	70	393	61	367	94	380	81	774	172
314	67	451	93	416	83	386	85	445	92
322	64	352	75	407	83	318	60	457	87
374	74	469	94	375	104	333	109	406	94
390	102	361	96	277	78	411	79	337	74
450	77	395	75	357	109	435	82	358	67
416	82	364	83	352	106	326	77	416	69
326	96	332	70	386	82	473	82	319	74
413	70	304	89	320	94	404	102	410	89
447	88	346	92	356	76	387	74	415	74
357	71	448	85	356	93	356	103	395	78
381	81	306	78	415	94	447	101	314	80
342	65	355	81	381	108	404	95	405	92
327	78	334	64	466	97	412	98	445	85
340	76	280	62	452	120	416	97	394	96
346	62	305	78	329	102	393	92	381	85
417	79	390	66	337	89	347	60	414	83
396	74	378	79	322	87	386	66	347	82
305	74	311	69	298	52	407	95	423	95
322	70	383	79	336	83	417	80	388	76
340	92	405	67	384	88	338	88	344	83
293	71	324	58	371	83	324	87	365	98
430	73	384	73	342	77	374	89	452	108
386	84	426	79	336	76	388	65	784	198
801	157	461	83	377	96	326	82	367	93
		402	88	412	70	414	90	473	76
		341	85	324	71	495	88		
						333	74		
<u>goods</u>	<u>fuel</u>	<u>goods</u>	<u>fuel</u>	<u>goods</u>	<u>fuel</u>	<u>goods</u>	<u>fuel</u>	<u>goods</u>	<u>fuel</u>
<u>10746</u>	<u>2233</u>	<u>11095</u>	<u>2326</u>	<u>11143</u>	<u>2668</u>	<u>12101</u>	<u>2643</u>	<u>12064</u>	<u>2617</u>

**goods total**      **fuel total**  
**78361**              **17357**

<u>June</u>		<u>May</u>	
<u>Goods</u>	<u>Fuel</u>	<u>Goods</u>	<u>Fuel</u>
297	85	355	64
389	96	326	76
395	80	375	79
347	86	290	67
438	70	278	59
338	87	381	92
431	97	338	75
452	87	413	82
388	98	301	71
360	81	315	61
299	75	300	53
330	74	409	87
258	82	317	91
387	61	338	89
355	91	414	80
330	89	269	67
305	77	332	92
304	86	377	71
295	83	397	87
411	87	374	101
435	104	336	89
430	88	385	76
284	88	292	77
358	77	347	79
265	67	417	73
268	69	368	77
330	56	330	95
371	61	290	90
361	89	409	77
378	93	292	63
		258	66
<u>goods</u>	<u>fuel</u>	<u>goods</u>	<u>fuel</u>
<b>10589</b>	<b>2464</b>	<b>10623</b>	<b>2406</b>

## Gaining Support

We have recently took it upon ourselves to raise a petition of support for us gaining our licence, we placed this on the shop counter for only 48 hours and only let local residential customers sign this, the variation was from parish councillors, local councillors, ex council solicitors and the general farming community who were all massively in support, as you can see from the amount of signatures raised in a very short period of time.

Please see attached a copy of this petition of support.

## Adjoining business and out buildings

The business comprises of our rural shop with an attached tack shop that is included in our business operations, several smaller outbuildings that hold animal stock, pet supplies, coal, gas and logs.

We hope the above information will help you in understanding we are more of a rural shop and multi business than a typical petrol station that you may pass when driving through the city of Herefordshire.

# End of Day Report

Till Name: Till1  
 Opened by: Karl on 2018/07/12 06:25:06.000  
 Closed by: Karl on 12/07/2018 20:34:05

TENDER	IN THE TILL	TAKEN	VARIANCE
Opening Balance (Float)	£100.00	---	-£100.00
Withdrawn/ Deposited	£0.00	---	£0.00
Petty Cash	£0.00	---	£0.00
<b>Sub Total</b>	---	---	<b>-£100.00</b>
Customer Credit	£0.00	£397.41	£0.00
<b>Sub Total</b>	---	<b>£397.41</b>	---
Cash	£0.00	£1031.08	-£1031.08
Card	£0.00	£2246.01	-£2246.01
Cheque	£0.00	£0.00	£0.00
BACS	£0.00	£0.00	£0.00
<b>Sub Total</b>	<b>£0.00</b>	<b>£3277.09</b>	<b>-£3277.09</b>
<b>Total</b>	<b>£0.00</b>	<b>£3674.50</b>	<b>-£3377.09</b>

## Refunds

QTY	NO VAT	DISC	NET	TAX	TOTAL
1		£0.00	£7.99	£0.00	£7.99
<b>Total:</b>	<b>1</b>	<b>£0.00</b>	<b>£7.99</b>	<b>£0.00</b>	<b>£7.99</b>

## Sales By Category

QTY	DISC	NET	TAX	TOTAL	%TOTAL	
<b>Food</b>						
34	£0.00	£39.46	£0.00	£39.46	1.07%	
<b>Drinks</b>						
79	£0.00	£85.05	£14.62	£99.67	2.71%	
<b>Snacks</b>						
124	£0.00	£102.65	£17.99	£120.64	3.28%	
<b>Unleaded Petrol</b>						
49	£0.00	£995.55	£199.10	£1194.65	32.51%	
<b>Diesel</b>						
29	£0.00	£1188.02	£237.62	£1425.64	38.80%	
<b>Red Diesel</b>						
5	£0.00	£196.83	£9.83	£206.66	5.62%	
<b>Household</b>						
3	£0.00	£7.57	£1.50	£9.07	0.25%	
<b>Meds + Hyg</b>						
1	£0.00	£2.24	£0.45	£2.69	0.07%	
<b>Cigarettes</b>						
32	£0.00	£248.35	£48.60	£297.95	8.11%	
<b>Car Parts</b>						
1	£0.00	£5.83	£1.16	£6.99	0.19%	
<b>Coal &amp; Gas</b>						
1	£0.00	£38.00	£1.90	£39.90	1.09%	
<b>Magazines and Newspapers</b>						
88	£0.00	£80.36	£0.00	£80.36	2.19%	
<b>NO VAT</b>						
44	£0.00	£93.23	£0.00	£93.23	2.54%	
<b>20% VAT</b>						
11	£0.00	£15.98	£3.22	£19.20	0.52%	
<b>Cards e.g Birthday/Greeting</b>						
2	£0.00	£2.99	£0.60	£3.59	0.10%	
<b>Sandwiches &amp; Rolls &amp; Pasties Ect</b>						
14	£0.00	£35.00	£0.00	£35.00	0.95%	
<b>Total:</b>	<b>497</b>	<b>£0.00</b>	<b>£3136.91</b>	<b>£537.59</b>	<b>£3674.50</b>	<b>100.00%</b>

## Tax

RATE	QTY	NET	TAX	%TOTAL
<b>20VAT</b>				
20.00%	307	£2628.82	£525.86	97.82%
<b>5% TAX</b>				
5.00%	6	£234.63	£11.73	2.18%
<b>NoTax</b>				
0.00%	184	£273.49	£0.00	0.00%
<b>Total</b>			<b>£537.59</b>	<b>100.00%</b>

## Credit Purchased Breakdown

No credit purchases have been processed

TENDER	IN THE TILL	TAKEN	VARIANCE
Opening Balance (Float)	£100.00	---	-£100.00
Withdrawn/ Deposited	£0.00	---	£0.00
Petty Cash	£0.00	---	£0.00
<b>Sub Total</b>	---	---	<b>-£100.00</b>
Customer Credit	£0.00	£460.80	£0.00
<b>Sub Total</b>	---	<b>£460.80</b>	---
Cash	£0.00	£1025.72	-£1025.72
Card	£0.00	£1947.86	-£1947.86
Cheque	£0.00	£60.00	-£60.00
BACS	£0.00	£0.00	£0.00
<b>Sub Total</b>	<b>£0.00</b>	<b>£3033.58</b>	<b>-£3033.58</b>
<b>Total</b>	<b>£0.00</b>	<b>£3494.38</b>	<b>-£3133.58</b>

## Refunds

QTY	DISC	NET	TAX	TOTAL	
<b>Diesel</b>					
1	£0.00	£45.42	£9.08	£54.50	
<b>Total:</b>	<b>1</b>	<b>£0.00</b>	<b>£45.42</b>	<b>£9.08</b>	<b>£54.50</b>

## Sales By Category

QTY	DISC	NET	TAX	TOTAL	%TOTAL	
<b>Food</b>						
34	£0.00	£40.15	£0.00	£40.15	1.15%	
<b>Drinks</b>						
93	£0.00	£102.24	£18.92	£121.16	3.47%	
<b>Snacks</b>						
98	£0.00	£87.17	£16.89	£104.06	2.98%	
<b>Unleaded Petrol</b>						
33	£0.00	£641.18	£128.26	£769.44	22.02%	
<b>Diesel</b>						
46	£0.00	£1364.96	£273.01	£1637.97	46.87%	
<b>Red Diesel</b>						
8	£0.00	£212.38	£10.60	£222.98	6.38%	
<b>Cats</b>						
6	£0.00	£12.24	£2.44	£14.68	0.42%	
<b>Household</b>						
4	£0.00	£10.73	£2.13	£12.86	0.37%	
<b>Meds + Hyg</b>						
2	£0.00	£1.68	£0.31	£1.99	0.05%	
<b>Car Parts</b>						
1	£0.00	£1.66	£0.33	£1.99	0.06%	
<b>Coal &amp; Gas</b>						
1	£0.00	£8.48	£0.42	£8.90	0.25%	
<b>Magazines and Newspapers</b>						
42	£0.00	£74.62	£0.00	£74.62	2.14%	
<b>NO VAT</b>						
32	£0.00	£57.19	£0.00	£57.19	1.64%	
<b>20% VAT</b>						
11	£0.00	£30.47	£6.10	£36.57	1.05%	
<b>Sandwiches &amp; Rolls &amp; Pasties Ect</b>						
14	£0.00	£32.35	£0.00	£32.35	0.93%	
<b>Big Bags Of Dog Food</b>						
1	£0.00	£11.99	£0.00	£11.99	0.34%	
<b>Tack Shop Feed</b>						
10	£0.00	£87.93	£0.00	£87.93	2.52%	
<b>SilkCut</b>						
1	£0.00	£9.38	£1.87	£11.25	0.32%	
<b>Benson &amp; Hedges</b>						
2	£0.00	£13.34	£2.66	£16.00	0.46%	
<b>Chesterfield</b>						
3	£0.00	£20.63	£4.12	£24.75	0.71%	
<b>Soverign</b>						
1	£0.00	£6.67	£1.33	£8.00	0.23%	
<b>Jps</b>						
3	£0.00	£21.84	£4.36	£26.20	0.75%	
<b>Lambet &amp; Butler</b>						
8	£0.00	£63.82	£12.73	£76.55	2.19%	
<b>Cutters Choice</b>						
1	£0.00	£11.00	£2.20	£13.20	0.38%	
<b>Golden Virginia</b>						
4	£0.00	£44.52	£8.88	£53.40	1.53%	
<b>Accesorless</b>						
7	£0.00	£5.92	£1.17	£7.09	0.20%	
<b>Gold Leaf</b>						
1	£0.00	£9.46	£1.89	£11.35	0.32%	
<b>Richmond</b>						
1	£0.00	£8.21	£1.64	£9.85	0.28%	
<b>Total:</b>	<b>466</b>	<b>£0.00</b>	<b>£2992.12</b>	<b>£502.26</b>	<b>£3494.38</b>	<b>100.00%</b>

End of Day Report

Name: Till1  
 Opened by: Karl on 24/08/2018 06:13:24  
 Closed by: Karl on 24/08/2018 20:30:54

TENDER	IN THE TILL	TAKEN	VARIANCE
Opening Balance (Float)	£100.00	---	-£100.00
Withdrawn/Deposited	£0.00	---	£0.00
Petty Cash	£0.00	---	£0.00
Cash Tip Outs	£0.00	---	£0.00
Sub Total	---	---	-£100.00
Customer Credit	£0.00	£427.77	£0.00
Sub Total	---	£427.77	---
Cash	£0.00	£1026.10	-£1026.10
Card	£0.00	£1839.09	-£1839.09
Cheque	£0.00	£0.00	£0.00
BACS	£0.00	£0.00	£0.00
Sub Total	£0.00	£2865.19	-£2865.19
Total	£0.00	£3292.96	-£2965.19

Refunds

No refunds have been processed

Sales By Category

QTY	DISC	NET	TAX	TOTAL	%TOTAL
<b>Food</b>					
41	£0.00	£60.69	£0.30	£60.99	1.55%
<b>Drinks</b>					
89	£0.00	£100.27	£17.71	£117.98	3.58%
<b>Snacks</b>					
128	£0.00	£103.06	£17.10	£120.16	3.65%
<b>Unleaded Petrol</b>					
32	£0.00	£731.93	£146.39	£878.32	26.67%
<b>Diesel</b>					
36	£0.00	£941.99	£188.41	£1130.40	34.33%
<b>Red Diesel</b>					
11					3.33%
<b>Dog Food</b>					
3	£0.00	£10.90	£0.78	£11.68	0.35%
<b>Household</b>					
6	£0.00	£12.29	£2.45	£14.74	0.45%
<b>Meds + Hyg</b>					
3	£0.00	£4.81	£0.97	£5.78	0.18%
<b>Cigarettes</b>					
14	£0.00	£86.84	£17.36	£104.20	3.16%
<b>Coal &amp; Gas</b>					
3	£0.00	£38.24	£1.91	£40.15	1.22%
<b>Magazines and Newspapers</b>					
31	£0.00	£46.69	£0.00	£46.69	1.42%
<b>NO VAT</b>					
46	£0.00	£85.09	£0.00	£85.09	2.58%
<b>20% VAT</b>					
1	£0.00	£1.08	£0.22	£1.30	0.04%
<b>Sandwiches &amp; Rolls &amp; Pastles Ect</b>					
17	£0.00	£41.65	£0.00	£41.65	1.26%
<b>Big Bags Of Dog Food</b>					
2	£0.00	£22.98	£0.00	£22.98	0.70%
<b>Tack Shop Feed</b>					
3	£0.00	£16.90	£0.00	£16.90	0.51%
<b>Cigarettes</b>					
25	£0.00	£185.37	£37.03	£222.40	6.75%
<b>Total:</b>					
490	£0.00	£2844.16	£448.80	£3292.96	100.00%

Tax

RATE	QTY	NET	TAX	%TOTAL
20VAT				
20.00%	308	£2143.59	£428.72	95.53%
5% TAX				
6.00%	14	£401.71	£20.08	4.47%
NoTax				
0.00%	168	£298.87	£0.00	0.00%
<b>Total</b>			£448.80	100.00%

Credit Purchased Breakdown

No credit purchases have been processed

End of Day Report

Name: Till1  
 Opened by: Karl on 25/08/2018 06:15:58  
 Closed by: Karl on 25/08/2018 20:31:15

TENDER	IN THE TILL	TAKEN	VARIANCE
Opening Balance (Float)	£100.00	---	-£100.00
Withdrawn/Deposited	£0.00	---	£0.00
Petty Cash	£0.00	---	£0.00
Cash Tip Outs	£0.00	---	£0.00
Sub Total	---	---	-£100.00
Customer Credit	£0.00	£641.76	£0.00
Sub Total	---	£641.76	---
Cash	£0.00	£1256.41	-£1256.41
Card	£0.00	£2377.49	-£2377.49
Cheque	£0.00	£0.00	£0.00
BACS	£0.00	£0.00	£0.00
Sub Total	£0.00	£3633.90	-£3633.90
Total	£0.00	£4275.66	-£3733.90

Refunds

QTY	DISC	NET	TAX	TOTAL
Walkers Cheese & Onion	£0.00	£0.83	£0.17	£1.00
1				
NO VAT	£0.00	£1.35	£0.00	£1.35
1				
Grab + Go Sandwich	£0.00	£2.25	£0.00	£2.25
1				
<b>Total:</b>	£0.00	£4.43	£0.17	£4.60
3				

Sales By Category

QTY	DISC	NET	TAX	TOTAL	%TOTAL
<b>Food</b>					
34	£0.00	£60.01	£0.00	£60.01	1.17%
<b>Drinks</b>					
74	£0.00	£92.97	£14.98	£97.95	2.29%
<b>Snacks</b>					
79	£0.00	£90.60	£11.12	£101.72	1.89%
<b>Unleaded Petrol</b>					
52	£0.00	£957.14	£191.45	£1148.59	26.83%
<b>Diesel</b>					
47	£0.00	£1528.22	£305.63	£1833.85	42.84%
<b>Red Diesel</b>					
10	£0.00	£494.81	£24.73	£519.54	12.14%
<b>Dog Food</b>					
4	£0.00	£4.73	£0.96	£5.69	0.13%
<b>Household</b>					
1	£0.00	£0.99	£0.20	£1.19	0.03%
<b>Meds + Hyg</b>					
3	£0.00	£5.06	£1.02	£6.08	0.14%
<b>Cigarettes</b>					
20	£0.00	£93.43	£18.66	£112.09	2.81%
<b>Car Parts</b>					
1	£0.00	£6.66	£1.33	£7.99	0.19%
<b>Coal &amp; Gas</b>					
1	£0.00	£4.75	£0.24	£4.99	0.12%
<b>Magazines and Newspapers</b>					
44	£0.00	£78.16	£0.00	£78.16	1.9%
<b>NO VAT</b>					
36	£0.00	£82.45	£0.00	£82.45	1.9%
<b>20% VAT</b>					
3	£0.00	£5.74	£1.15	£6.89	0.17%
<b>Sandwiches &amp; Rolls &amp; Pastles Ect</b>					
7	£0.00	£15.29	£0.00	£15.29	0.38%
<b>Big Bags Of Dog Food</b>					
2	£0.00	£22.98	£0.00	£22.98	0.57%
<b>Tack Shop Feed</b>					
6	£0.00	£13.25	£0.00	£13.25	0.32%
<b>Cigarettes</b>					
18	£0.00	£145.44	£29.08	£174.52	4.38%
<b>Customer Credit</b>					
1	£0.00	£27.05	£0.00	£27.05	0.67%
<b>Total:</b>	£0.00	£3679.73	£600.53	£4280.26	100%
442					
<b>Tax</b>					

To Be Deducted from total

ITAL 118  
5.29  
4.32

1st - 15th  
 2018  
 October

Till Name: Till1  
 Opened by: Karl on 01/10/2018 06:15:17  
 Closed by: Karl on 01/10/2018 20:30:58

TENDER	IN THE TILL	TAKEN	VARIANCE
Opening Balance (Float)	£100.00	---	-£100.00
Withdrawn/Deposited	£0.00	---	£0.00
Petty Cash	£0.00	---	£0.00
Cash Tip Outs	£0.00	---	£0.00
Sub Total	---	---	-£100.00
Customer Credit	£0.00	£1105.62	£0.00
Sub Total	---	£1105.62	---
Cash	£0.00	£905.27	-£905.27
Card	£0.00	£1978.15	-£1978.15
Cheque	£0.00	£0.00	£0.00
BACS	£0.00	£0.00	£0.00
Sub Total	£0.00	£2883.42	-£2883.42
Total	£0.00	£3989.04	-£2983.42

**Refunds**

No refunds have been processed

**Sales By Category**

QTY	DISC	NET	TAX	TOTAL	%TOTAL
Food					
39	£0.00	£47.84	£0.17	£48.01	1.20%
Drinks					
89	£0.00	£73.66	£13.08	£86.74	2.17%
Snacks					
102	£0.00	£79.48	£14.79	£94.27	2.36%
Unleaded Petrol					
31	£0.00	£673.79	£134.75	£808.54	20.27%
Diesel					
49	£0.00	£1836.70	£367.32	£2204.02	55.25%
Red Diesel					
5	£0.00	£209.96	£10.50	£220.46	5.53%
Dog Food					
5	£0.00	£6.18	£1.24	£7.42	0.19%
Cats					
1	£0.00	£3.13	£0.62	£3.75	0.09%
Meds + Hyg					
1	£0.00	£1.41	£0.28	£1.69	0.04%
Cigarettes					
13	£0.00	£51.06	£10.19	£61.25	1.54%
Magazines and Newspapers					
29	£0.00	£45.71	£0.00	£45.71	1.15%
NO VAT					
37	£0.00	£91.56	£0.00	£91.56	2.30%
20% VAT					
13	£0.00	£4.57	£0.93	£5.50	0.14%
Cards e.g Birthday/Greeting					
2	£0.00	£2.99	£0.60	£3.59	0.09%
Sandwiches & Rolls & Pasties Ect					
9	£0.00	£18.20	£0.00	£18.20	0.46%
Big Bags Of Dog Food					
5	£0.00	£56.45	£0.00	£56.45	1.39%
Tack Shop Feed					
1	£0.00	£7.60	£0.00	£7.60	0.19%
Cigarettes					
14	£0.00	£111.34	£22.21	£133.55	3.35%
Customer Credit					
1	£0.00	£91.73	£0.00	£91.73	2.30%
Total:					
426	£0.00	£3412.36	£576.68	£3989.04	100.00%

**Tax**

RATE	QTY	NET	TAX	%TOTAL
20VAT				
20.00%	297	£2831.17	£566.18	98.18%
5% TAX				
5.00%	5	£209.96	£10.50	1.82%
Non-Tax Items				
0.00%	1	£91.73	£0.00	0.00%
NoTax				
0.00%	133	£279.49	£0.00	0.00%
Total			£576.68	100.00%

**Credit Purchased Breakdown**

NAME	AMOUNT
David H...	







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>21 January 2019</b>
<b>Title of report:</b>	<b>Application for a new premises licence in respect of 26 Eign Gate, Hereford. HR4 0AB – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Hereford

## Purpose

To consider an application for a new premises licence in respect of '26 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,

- 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 relevant representations and is brought before the sub committee for determination.
- 4. The details of the application are:

Applicant	G&L Retails Ltd, Brook Farm, Marden, Herefordshire. HR1 3ET	
Solicitor	Not applicable	
Type of application: New	Date received: 11 January 2019	28 Days consultation ended 7 February 2019

### Summary of Application

- 5. 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-Sunday 10:00-22:00

### Summary of Representations

- 6. Two (2) representations have been received from the responsible authorities (West Mercia Police and Trading Standards).
- 7. West Mercia Police have objected (appendix 2) to the licence.

8. Trading standards have made representations that have been agreed by the applicant (appendix 3).

## **Community Impact**

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

## **Equality duty**

10. There are no equality issues in relation to the content of this report.
11. 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.
12. 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**

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

## **Legal Implications**

14. 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.
15. 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.
16. 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.
17. 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: -

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Further information on the subject of this report is available from  
Emma Bowell – Licensing Technical Officer, Tel no. 01432 261761

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.

18. 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.
19. 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'.

20. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
21. The 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 committees who have the power to require 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

## Right of Appeal

22. 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).

23. 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**

24. 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 21 days of being notified of the decision in writing.

## **Consultees**

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

## **Appendices**

Appendix 1 - Application Form

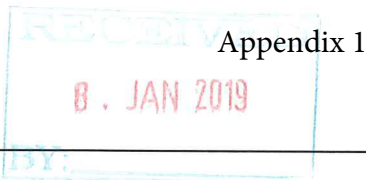
Appendix 2 – West Mercia Police Objection

Appendix 3 - Trading Standards Representation

## **Background Papers**

None.





\* required information

**Section 1 of 21**

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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	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	<input type="text" value="Laura"/>	
* Family name	<input type="text" value="Rackauske"/>	
* E-mail	<input type="text" value="[REDACTED]"/>	
Main telephone number	<input type="text" value="[REDACTED]"/>	Include country code.
Other telephone number	<input type="text" value="[REDACTED]"/>	
<input type="checkbox"/> 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="11669423"/>	
Business name	<input type="text" value="G&amp;L Retails LTD"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="none"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**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 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- 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

**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 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number   
\* Date of birth   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**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.

Ground floor of 26 Eign Gate will be used as a grocery shop. Alcohol will be sold in the shop for consumption off the premises.

*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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

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

See guidance on regulated entertainment  
Will you be providing anything similar to live music, recorded music or performances of dance?  
 Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?  
 Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?  
 Yes  No

**Standard Days And Timings**

MONDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

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.

- On the premises     Off the premises     Both

State any seasonal variations

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

No seasonal changes

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.

N/A

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

**Name**

First name

Family name

Date of birth

*Continued from previous page...*

**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)

Licensing Unit, County Offices, PO box 233,  
Bath street, Hereford, HR1 2ZF

**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 21**

**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.

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

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

State any seasonal variations

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

N/A

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.

N/A

Continued from previous page...

**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 staff.

No alcohol sales to underage people.

No drunk or disorderly behavior on premises.

No violent and anti-social behavior.

No any harm to children.

b) The prevention of crime and disorder

Clear & legible notice indicating the normal hours under the terms of premises licence.

Clear notices warning of potential criminal activity, such as theft will be displayed.

Not selling alcohol to drunk or intoxicated customers.

c) Public safety

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

d) The prevention of public nuisance

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 prevent nuisance & disturbance of nearby residents.

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 if they wish to buy alcohol.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



*Continued from previous page...*

**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.

*Continued from previous page...*

- 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

*Continued from previous page...*

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.
  - o 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.

Continued from previous page...

- 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 licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling 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](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

### DECLARATION

Continued from previous page...

\* 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.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I

\* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or

\* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

\* Capacity

\* Date  /  /   
dd mm yyyy

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.

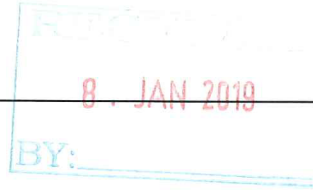
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
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"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >



\* required information

### Section 1 of 3

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 address

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

Note: completing the Applicant Business section is optional in this form.

Registration number

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.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 3**

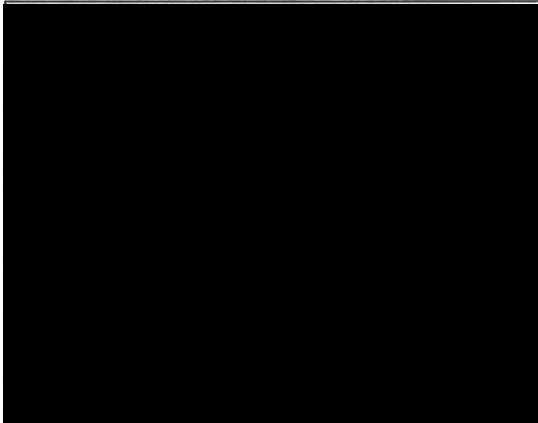
**CONSENT**

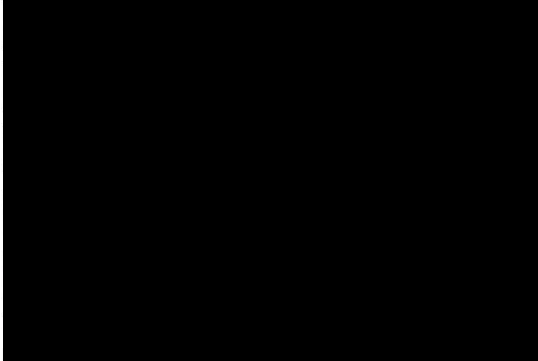
**Name Of Proposed Premises Supervisor**

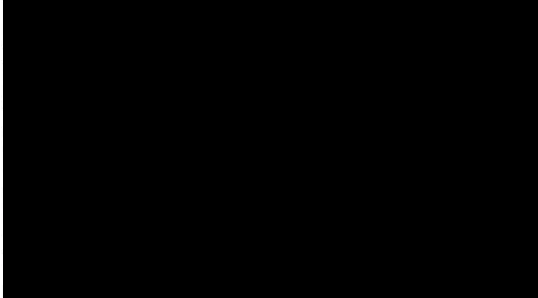
First name

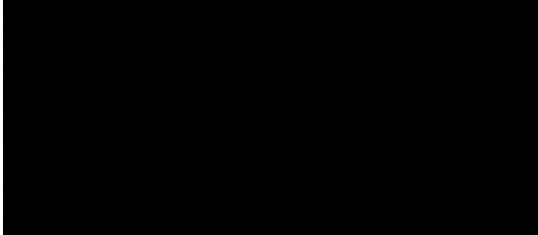
Family name

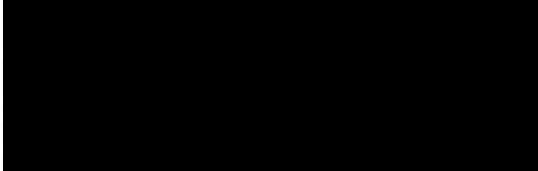
**Address Of Proposed Premises Supervisor**

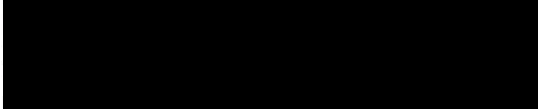
Building number or name 

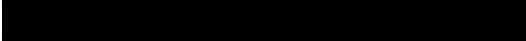
Street 

District 

City or town 

County or administrative area 

Postcode 

Country 

I hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the following application, and any premises licence to be granted or varied in respect of this application concerning the supply of alcohol at the premises

Type of application

For instance 'Application for a premises licence' or 'Variation of a premises licence'

Is the application or variation that this consent is being submitted in connection with being supplied electronically to the authority

- Yes       No       Don't know



Continued from previous page...

Reference number of  
electronic application (if  
known)

If the application or variation form is already  
submitted, ask its applicant for the form's  
'system reference' or 'your reference'.

**Premises Licence Holder**

Name

**Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

**Premises**

Premise licence number

Name of premises

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

Personal licence number

Personal licence issuing  
authority name

**Address Of Personal Licence Issuing Authority**

Building number or name

Street

District

City or town

County or administrative area

Postcode

**Contact Details Of Personal Licence Issuing Authority**

Telephone number

**Section 3 of 3**

**DECLARATION**

*Continued from previous page...*

\* I confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I have set out in this form.

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

Capacity

Date  /  /   
dd mm yyyy

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/change-7> to upload this file and continue with your application.

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

< Previous 1 2 3 Next >

#### OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

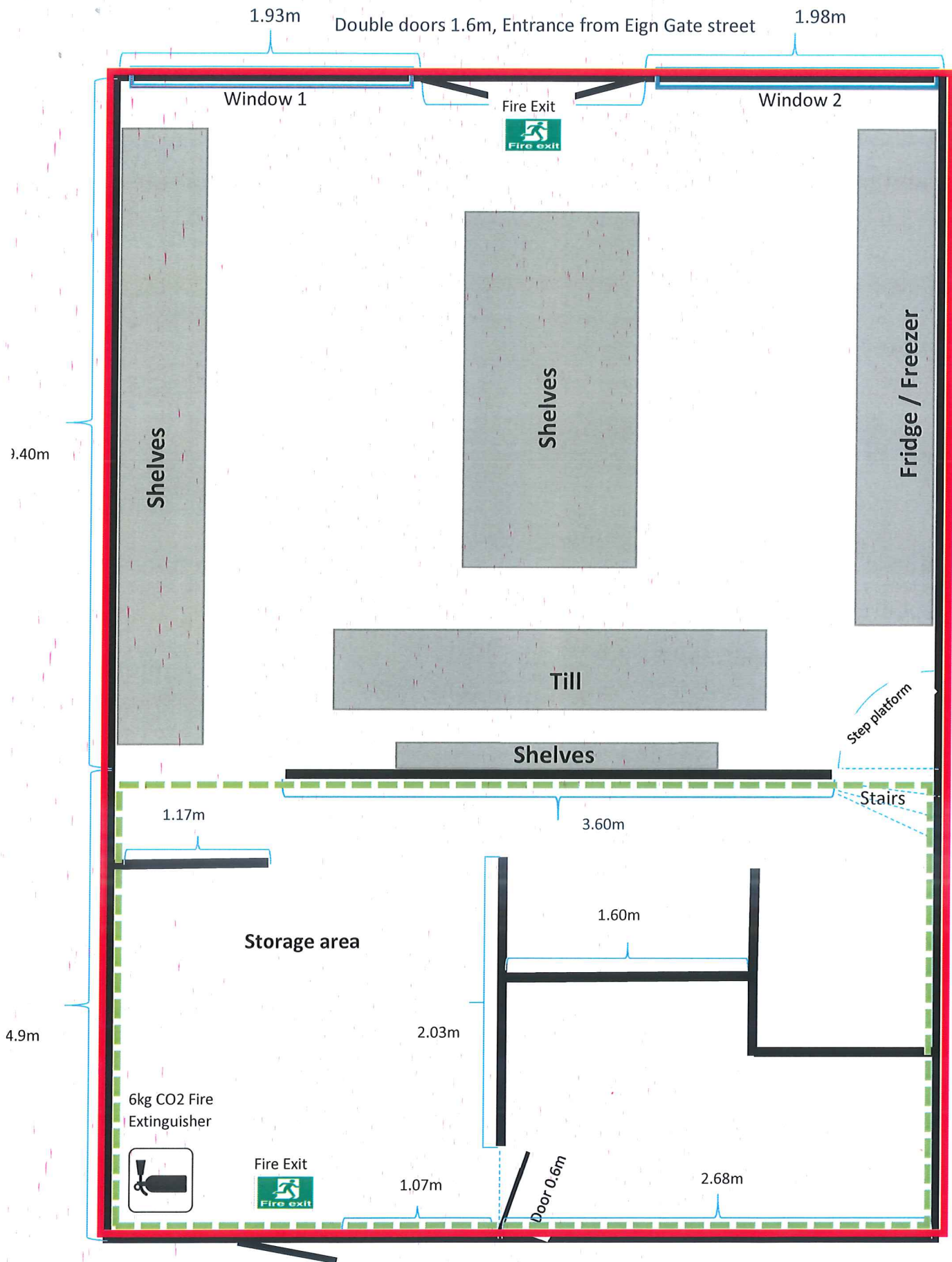
Payment authorisation date

Date and time submitted

Approval deadline

Error message


Is Digitally signed



Layout plan of Plaza shop at: 26 Eign Gate, Hereford, HR4 0AB.

Scale 1 : 100

 Licensable area

 Raised area, 0.3m above the main shop floor.



**From:** Mooney,James  
**Sent:** 22 January 2019 10:02  
**To:** Licensing  
**Cc:** Spriggs, Fred Bowell, Emma, Reynolds,Duncan  
**Subject:** 26 Eign Gate, Hereford - premises licence application

**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of an application for a premises licence for a premises that will operate as a convenience store at **26 Eign Gate, Hereford**. The application is for the licensable activity of the sale/supply of alcohol.

**West Mercia Police object to this application as to grant it will undermine the licensing objective of the prevention of crime and disorder.**

This premises is located in a pedestrianised area which at this time is subject to significant alcohol related anti social behaviour that is impacting on the public and businesses that are located in the vicinity.

The applicant has failed to provide information that indicates that they have assessed the location and the potential impact their application will have on the local environment. Additionally the applicant has purely submitted a series of broad headings as their steps to promote the licensing objectives - none of which are written in a manner that makes them enforceable.

If this matter progresses to a licensing hearing, West Mercia Police will provide further information in support of their objection.

Regards

Jim Mooney - **on behalf of Ps 3456 Reynolds.**

Harm Reduction/Community Safety Dept.,

Harm Reduction Coordinator,

Herefordshire Policing Area

West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)

[In Herefordshire we protect people from harm](#)

[#destinationHereford](#)

[www.westmercia.police.uk/maketherightcall](http://www.westmercia.police.uk/maketherightcall)

The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.



**From:** Wilson, Leah  
**Sent:** 05 February 2019 12:27  
**To:** 'lrackauske  
**Cc:** Licensing  
**Subject:** Premises License Application - 26 Eign Gate - Hereford - HR4 0AB

Dear Ms Rackauske

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 26 Eign Gate - Hereford - 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 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](mailto: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](mailto:lwilson@herefordshire.gov.uk)

Regards

Trading Standards

**Herefordshire.gov.uk**

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

8 St Owens Street  
Hereford  
HR12PJ







<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>7 March 2019</b>
<b>Title of report:</b>	<b>Review of a premises licence in respect of: Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by West Mercia Police - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Belmont

## Purpose

To consider an application for a review of a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by West Mercia Police.

## Recommendation

That:

**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 Licensing Authority's application for the review,**
- **The Guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties,**  
and
- **The Herefordshire Council Licensing Policy.**

## Options

1. There are a number of options open to the sub-committee in relation to the review:
  - the modification of the conditions of the premises licence;
  - the exclusion of any licensable activities from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

## Key Considerations

4. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
  - relate to one or more of the licensing objectives;
  - have not been withdrawn; and
  - are made by the premises licence holder, a Responsible Authority or an interested party
5. The details of the application are:

Applicant	Police Sergeant 3456 Duncan Reynolds of West Mercia Police	
Agent	Not applicable	
Type of application: Review	Date received: 11 January 2019	28 Days consultation ended 8 February 2019

## Summary of Application

6. The application for the review is attached (appendix 1).
7. Copies of the application were sent to the premise licence holder and Responsible Authorities.
8. In brief West Mercia Police's grounds for the review are:
9. On the 12 December 2018, a joint Police, HM Revenue and Customs and operation took place at Mila, 102 Belmont Road, Hereford. A quantity of non-duty paid alcohol was found at the premises.

## Premises History

10. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
11. On 22 November 2016 a joint operation involving West Mercia Police and Herefordshire Council Trading Standards was undertaken which resulted in a large quantity (approx. ¼ of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
12. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.
13. As a result the police launched an expedited review on 25 November 2016.
14. The licence was suspended on 29 November 2016 following the expedited review hearing before the committee.
15. A full review hearing was held on 15 December 2016 and the committee revoked the premises licence.
16. A new application was made for a premises licence on 18 February 2017 following the premises having been sold to Hardi Mohammed
17. Representations were received from West Mercia Police and Trading Standards.
18. Although the representations were agreed the matter was brought before the sub-committee in relation to an issue concerning the lease.
19. The matter appeared before the sub-committee on 10 April 2017 and the matter was withdrawn following production of the lease.
20. As a result the licence was issued.
21. Since that licence was issued, a number of visits to the premises were carried out by both the police and the licensing authority. These were carried out during 2017. On each of the visits the conditions shown attached to the premises licence had not been complied with.
22. Due to the constant failures of conditions not being complied with, the Licensing Authority launched a review of the premise licence on 7 September 2017.
23. A full review hearing was held on 2 November 2017. The sub-committee removed an existing condition relating to obstruction of windows and replaced it with a condition relating to window coverage that was more achievable for promoting the licensing objective Prevention of Crime and Disorder.
24. On 25 July 2018 the Licensing Authority received an application to transfer the premises licence and vary designated premises supervisor (DPS) from Hardi Mohammed to Anita Szporak.
25. On 6 August 2018 the Licensing Authority received an objection from West Mercia Police in relation to the transfer and vary the DPS citing that they had serious concerns about Ms Szporak being the holder of the premises licence and being specified as the DPS will undermine the licensing objectives.

26. A hearing was held on 5 September 2018, where the sub committee's decision was to refuse the request to transfer the premises licence to Ms Szporak.

### **Current Licence**

27. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Sale/Supply of Alcohol (For consumption Off the Premise)  
Monday - Sunday 08:00-24:00

28. The licence is also subject to a number of conditions.

### **Circumstances leading to the review**

29. At 1245hrs on Wednesday 12 December 2018 a joint Police and HM Revenue and Customs operation took place at the premises. This was intelligence led. The premises was searched and a total of 32 bottles of non-duty paid vodka of various brands were found on display for sale. The volume of the items amounted to 23 litres and the amount of duty evaded amounted to £307.
30. As a result this review was launched.

### **Summary of Representations**

31. No representations have been received from any of the Responsible Authorities or members of the public, though West Mercia Police have submitted additional information in support of their application (appendix 3)
32. No other representations have been received.

### **Community Impact**

33. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

34. 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.
35. 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.

36. There are not considered to be any equalities implications arising from this report.

## **Financial implications**

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

## **Legal Implications**

38. 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.
39. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
40. 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.
41. 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.
42. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
43. 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'.
44. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

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

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

46. 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 21 days of being notified of the decision in writing.

## **Consultees**

47. All Responsible Authorities and members of the public living within Herefordshire.

## **Appendices**

Appendix 1 - Application for the review of the premises licence

Appendix 2 - Current Premises Licence

Appendix 3 - Additional papers from West Mercia Police

## **Background Papers**

None

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I Police Sergeant 3456 Duncan REYNOLDS**

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Mila Convenience shop 102-104 Belmont Road	
<b>Post town</b> Hereford	<b>Post code (if known)</b> HR2 7JS
<b>Name of premises licence holder or club holding club premises certificate (if applicable)</b>  Hardi MOHAMMED	
<b>Number of premises licence or club premises certificate (if known)</b>  PRO 1758	

**Part 2 - Applicant details**

I am

1) an interested party (please complete (A) or (B) below)

- Please tick yes**
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)



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

Name and address  West Mercia Police Hereford Police Station Harm Reduction Dept., Bath Street, Hereford. HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional)

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

Please tick one or more boxes

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

X

**Please state the ground(s) for review** (please read guidance note 1)

On the 12 December 2018, a joint Police, HM Revenue and Customs and UK Border Agency operation took place at Mila, 102 Belmont Road, Hereford.

A quantity of non-duty paid alcohol was found at the premises.

This matter undermines the licensing objective of the prevention of crime and disorder.

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

Mila is a licensed convenience store at 102-104 Belmont Road, Hereford.

The premises licence is the name of Hardi Mohammed – who is also the named designated premises supervisor.

At 1245hrs on Wednesday 12 December 2018 joint Police and HM Revenue and Customs operation took place at the premises. This was intelligence lead.

The premises was searched and a total of 32 bottles of non-duty paid vodka of various brands were found on display for sale. The volume of the items amounted to 23 litres and the amount of duty evaded amounted to £307.

All items were seized.

This premises has been subject to previous licensing reviews:

24/11/2016 – a Police lead review after large amounts of non-duty paid and contraband tobacco were found at the premises. This resulted in the premises licence being revoked.

02/11/2017 – a Herefordshire Licensing Authority lead review for breaches of the premises licence, which resulted in the premises licence being amended.

The sale of illegal or smuggled alcohol is viewed as serious as per the guidance issued under Section 182 of the Licensing Act 2003.

**The view of West Mercia Police is that due to the seriousness of this latest matter the premises licence for Mila Convenience shop should be revoked.**

Please tick yes

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

If yes please state the date of that application

Day		Month		Year	
2	4	1	12	0	16

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

24/11/2016 – Police lead licensing review with regards to the sale/supply of contraband and smuggled tobacco. Review granted.

02/11/2017 – in support of Herefordshire Council lead review concerning breaches of the premises licence. Review granted.

25/07/2018 – application to transfer the premises licence – Police objection submitted, application refused

Please tick yes

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

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

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

**Signature of applicant or applicant's solicitor or other duly authorised agent**

[Redacted signature area]

Date 10 January 2019

Capacity Applicant

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

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

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

**Premises licence number - PR01758 (App to Review Premise Licence)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**For consumption off the premises**

**Part 2**

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

**Hardi Mohammed  
5 Heronville Drive  
West Bromwich  
B70 0HS**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Hardi Mohammed  
5 Heronville Drive  
West Bromwich  
B70 0HS**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number – [REDACTED]  
Issuing Authority – [REDACTED]**

**Annex 1 - Mandatory conditions****Mandatory conditions where licence authorises supply of alcohol****Age verification**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing conditions**

#### **General**

#### **Prevention of Crime and Disorder**

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

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

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.

Personal Licence Holder to be on the premises at all times.

### **Public Safety**

### **Prevention of Public Nuisance**

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

### **Protection of Children from Harm**

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.

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.



**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Hearing date: Thursday 2<sup>nd</sup> November 2017**

No later than 14 days from the date that this condition first appears on the licence, the premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. Provided that in respect of the street facing windows any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass) This will mean at least 50% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of windows and doors, as well as any other item within the shop which obstructs the view through the window.

The committee also agreed that condition 5 (immigration) could be removed as the condition was obsolete

**Annex 4 - Plans**  
**As attached – dated 17.02.2017**

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number - PR01758 (App to Review Premise Licence)  
Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**For consumption off the premises**

**Part 2**

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

**Hardi Mohammed  
5 Heronville Drive  
West Bromwich  
B70 0HS**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Hardi Mohammed**

State whether access to the premises by children is restricted or prohibited

**The premises shall operate a Challenge 25 Policy**



**RESTRICTED (when complete)**

Page 1 of 2

**WITNESS STATEMENT****(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)**URN: 

Statement of: James Michael PHILLIPS

Age if under 18: Over 18

Occupation: PC

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 15/02/2019

I am PC 3590 James Michael PHILLIPS of West Mercia Police, currently based at South Wye Police Station as part of a safer neighbourhood team. As part of our duties we on occasion visit licenced premises on our area and we record those visits onto the Inn Keeper system. This system collates the information for our harm hub who work with our partner agencies. I have been asked to put into a statement my two most recent visits to the MILA CONVENIENCE STORE on BELMONT ROAD in HEREFORD. I have looked at Inn Keeper and copied those reports into this statement. The first report below with the prefix 1 was in relation to a visit that I did on the 20<sup>th</sup> of October 2018 at 15:10hrs. I spoke with Hersh MOHAMMED, [REDACTED] at the store. The second report prefix 2 was in relation to a visit that I did on the 6<sup>th</sup> of February 2019 at 15:15hrs. On that occasion I spoke with Anita SZPORAK [REDACTED] who provided the details for the report describing Hersh MOHAMMED as the new owner of the store.

- 1) SHOP VISITED. PERSON ON PREMISES HERSH MOHAMMAD, [REDACTED] [REDACTED]. HE SHOWED ME HIS PERSONAL LICENCE [REDACTED] ISSUED BY BLACKBURN COUNCIL. THE ADDRESS ON THE LICENCE WAS [REDACTED] [REDACTED] HE STATED THAT HE WAS LOOKING AT BUYING THE SHOP DESCRIBED HIMSELF AS THE CURRENT MANAGER. HE STATED THAT HE PICKS UP THE RUBBISH IN THE ALLEYWAY ONCE A MONTH OR SO AND THAT HE WILL TELL CUSTOMERS TO KEEP THE ALLEYWAY CLEAR OF RUBBISH

2) PREMISES VISITED AT THE REQUEST OF LICENCING FOLLOWING THE OWNER NOTIFYING THAT HE WAS SURRENDERING HIS LICENCE. THE SHOP WAS STAFFED BY ANITA SZPORAK, [REDACTED] NO OTHER STAFF PRESENT. SHE

Signature:

Signature witnessed by:

Date/Time Started: 15/02/2019 14:57:53

Date/Time Finished: 15/02/2019 15:23:30

Format/Status: Digital Master - A78B3AE2C11A2531B3EA7825FC37771B418AF7984614ECAE2D9AC12ACD5E50A5

**RESTRICTED (when complete)**

Statement of: James Michael PHILLIPS

URN:

WAS AWARE THAT THE SHOP WAS CHANGING HANDS. SHE WAS INFORMED THAT THAT THE LICENCE HAD BEEN SURRENDERED AND THAT THE SALE OF ALCOHOL SHOULD STOP WITH IMMEDIATE EFFECT. SHE REMOVED THE RELATIVELY SMALL AMOUNT OF ALCOHOL ON THE DISPLAY AND WAS TOLD THAT ALL ALCOHOL SHOULD BE REMOVED FROM DISPLAYS AND NOT SOLD. THE NEW OWNER IS HERSH OMAR MOHAMMAD, [REDACTED]  
[REDACTED]

Signature:

Signature witnessed by:



<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>7 March 2019</b>
<b>Title of report:</b>	<b>Review of a premises licence in respect of: 'S&amp;S News, 55 Broad Street, Hereford. HR4 9AB called by West Mercia Police - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Hereford - Central

## Purpose

To consider an application for a review of a premises licence in respect of S&S News, 55 Broad Street, Hereford. HR4 9AB called by West Mercia Police.

## Recommendation

That:

**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 Licensing Authority's application for the review,**
- **The Guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties,**  
and
- **The Herefordshire Council Licensing Policy.**

## Options

1. There are a number of option open to the sub-committee in relation to the review:
  - the modification of the conditions of the premises licence;
  - the exclusion of any licensable activities from the scope of the licence;

- the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

## Key Considerations

4. The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a Responsible Authority or an interested party

5. The details of the application are:

Applicant	Police Sergeant 3456 Duncan Reynolds of West Mercia Police	
Agent	Not applicable	
Type of application: Review	Date received: 17 January 2019	28 Days consultation ended 14 February 2019

## Summary of Application

6. The application for the review is attached (appendix 1)
7. Copies of the application were sent to the premise licence holder and Responsible Authorities.
8. In brief West Mercia Police's grounds for the review are:

"Hereford Police are currently tackling alcohol related anti-social behaviour in the general area of Broad Street and Eign Gate, Hereford. As part of this process the police have and are engaging with licensed retail premises in the area to get their co-operation with regards to serving those involved in the issues being addressed. This process includes verbally engaging with the owner and staff at S&S News (licensed in the name of 55 Broad Street, Hereford) and sending letters asking for their support.

However despite these visits and interventions, it is the view of West Mercia Police that that these premises continue to sell alcohol to individuals who are involved in alcohol related anti-social behaviour.



This premises is therefore undermining the licensing objective of the prevention of crime and disorder.”

### **Premises History**

9. The premises was first licensed in November 2013 as a newsagents selling alcohol.
10. On 19 November 2018 an application was received to transfer the premise licence and vary the designated premises supervisor (DPS) from Ramesh Sharma to Mr Mohammed Asher Rashid. These applications were incorrect and were accepted on 7 December 2018.
11. The licence was issued on 21 December 2018.
12. A transfer consent form was received from Mr Rashid on 1 February 2019 consenting to transfer the premise licence to Irfan Sagar, we have not receive the transfer application or £23 fee.

### **Current Licence**

13. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Supply/Sale of Alcohol (for consumption off the premises)

Monday – Saturday 06:00 – 22:00

Sunday – 09:00 – 22:00

14. The licence is also subject to a number of conditions.

### **Circumstances leading to the review**

15. For a number of months, the general area of Eign Gate and its surrounding streets have been subject to an on-going policing operation to tackle alcohol related anti-social behaviour. The vast majority of those involved are known individuals who have drug, alcohol and mental health issues. They gather most days from about 1000hrs up to 1800hrs, are known to drink alcohol purchased from local shops and as the day goes on, become involved in ‘disorderly behaviour, which has resulted in arrests, use of Police dispersal powers and other interventions. As part of a process of tackling the supply of alcohol the Police have engaged with local licensed shops to get their co-operation NOT to serve these individuals due to the resulting problems, Visits and letters were delivered to the shop on 30 August 2018 and a further reminder on 30 October 2018. The reminder was sent due to the ongoing problems in the area that could be tracked back to the shop. Further visits to the premises were undertaken on the following dates 1<sup>st</sup> November 2018, 4<sup>th</sup> December 2018, 5<sup>th</sup> December 2018, 20<sup>th</sup> December 2018, and 15<sup>th</sup> January 2019. Following the several visits, West Mercia Police’s view is that Mr Rashid is failing to promote the licensing objective of the prevention of crime and disorder and failing to uphold the conditions contained in the premises licence.
16. As a result this review was launched.

### **Summary of Representations**

---

Further information on the subject of this report is available from  
Emma Bowell – Licensing Technical Officer 01432 261761

17. No representations have been received from any of the Responsible Authorities or members of the public.

## **Community Impact**

18. Any decision is unlikely to have any significant effect of the local community.

## **Equality duty**

19. 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.
20. 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.
21. There are not considered to be any equalities implications arising from this report.

## **Financial implications**

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

## **Legal Implications**

23. 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.
24. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
25. 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.
26. 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.

27. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
28. 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'.
29. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

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

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

31. 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 21 days of being notified of the decision in writing.

## **Consultees**

32. All Responsible Authorities and members of the public living within Herefordshire.

## **Appendices**

Appendix 1 - Application for the review of the premises licence  
Appendix 2 - Current Premises Licence

## **Background Papers**

None



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I Police Sergeant 3456 Duncan REYNOLDS**

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
55 Broad Street	
<b>Post town</b>	<b>Post code (if known)</b>
Hereford	HR4 9AB
<b>Name of premises licence holder or club holding club premises certificate (if applicable)</b>	
Mohammed Asher RASHID	
<b>Number of premises licence or club premises certificate (if known)</b>	
PRO1612	

**Part 2 - Applicant details**

I am

1) an interested party (please complete (A) or (B) below)

- Please tick yes
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

Name and address West Mercia Police Hereford Police Station Harm Reduction Dept., Bath Street, Hereford. HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional)

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

Please tick one or more boxes

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

X

**Please state the ground(s) for review** (please read guidance note 1)

Hereford Police are currently tackling alcohol related anti social behaviour in the general area of Broad Street and Eign Gate, Hereford.

As part of this process the Police have and are engaging with licensed retail premises in the area to get their co operation with regards to serving those involved in the issues being addressed.

This process includes verbally engaging with the owner and staff at S&S News (licensed in the name of 55 Broad Street, Hereford) and sending letters asking for their support.

However despite these visits and interventions, it is the view of West Mercia Police that that this premises continues to sell alcohol to individuals who are involved in alcohol related anti social behaviour.

This premises is therefore undermining the licensing objective of the prevention of crime and disorder.

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

S&S News also known as A&M News is located in the city centre of Hereford, very close to the pedestrian areas of High Town and Eign Gate and within sight of the iconic Hereford Cathedral.

It is a small – but busy – licensed convenience store, licensed to sell alcohol for long periods of the day.

For a number of months, the general area of Eign Gate and its surrounding streets have been subject to an on-going policing operation to tackle alcohol related anti social behaviour. The vast majority of those involved are known individuals who have drug, alcohol and mental health issues. Many are homeless. It has become common practise for the group to gather at the area directly outside All Saints Church at Eign Gate – at a raised seating area commonly known as 'the plinth'. They gather most days from about 1000hrs up to 1800hrs, are known to drink alcohol purchased from local shops and as the day goes on, become involved in disorderly behaviour, which has resulted in arrests, use of Police dispersal powers and other interventions.

As part of a process of tackling the supply of alcohol the Police have engaged with local licensed shops to get their co operation NOT to serve these individuals due to the resulting problems. This has involved personal visits to the shops, talking to staff and putting in writing to the premises licence holder the issues of concerns and asking for their support to tackle the problems.

Visits and letters were delivered to the shop on **30 August 2018** and a further reminder on **30 October 2018**.

The reminder was sent due to the on going problems in the area that could be tracked back to the shop.

At no time was the then premises licence holder was spoken to as he was never found at the premises and no contact numbers could be provided by staff working.

No contact was made by the premises licence holder regarding the contents of the letters.

Further visits to the premises were undertaken on the following dates:

**01/11/2018** – visit to speak to the premises licence holder. The staff provided a name of a male who they said owned the business. This was not the named premises licence holder. Requests were made to view the refusals register and to see staff training records. The staff member admitted he had never been trained and the documents did not exist.

As a consequence of this visit it was suspected that the named premises licence holder was no longer involved in the business. As this was person was also the designated premises supervisor (DPS), it would mean no DPS was in place and therefore alcohol sales could not be made. This information was shared with the Licensing Authority who undertook to write to the premises licence holder.

No action was taken regarding the lack of a DPS, so on **04 December 2018** a S19 notice was served on the premises directing them not to sell alcohol until the matter was addressed.



The issue of no DPS was addressed on the same day and the premises licence was transferred into the name of the current premises licence holder Mohammed RASHID.

The Police further visited the premises on **05 December 2018** and spoke to Mr RASHID who voiced his support to co operate with the Police to tackle the issues occurring near to his premises. He was made fully aware of the issues and the fact that the alcohol being consumed by the troublemakers could be tracked back to his premises. He gave his assurance that his staff would no longer sell to these individuals – who are quite distinctive in appearance with visible disabilities such as missing limbs.

The issues in the area persisted with the Police attending the location on a regular basis to address alcohol related anti social behaviour. Statements were taken from numerous businesses in the area who identified S&S News as the main premises selling alcohol to this group and also how their behaviour was have a direct negative impact on their business and causing alarm, distress and harassment to staff and members of the public who used the location.

Whilst there is some success in tackling the issues that are occurring, the main concern was the supply of alcohol that could be linked to S&S News.

On the **20 December 2018**, a Police Officer visited the premises to obtain CCTV with regards to a crime that occurred at the shop. Staff on duty were unable to operate the system – this is a breach of the premises licence. A telephone conversation took place with Mr RASHID who 'talked the officer' to use the system. It was found that the time and date were out of sync to the system. Evidence was found and the owner undertook to download the data and forward it to the officer. This never happened.

The breach of the CCTV licence condition has been shared with the Licensing Authority.

Whilst watching the CCTV, the officer did see a known individual involved in the anti social behaviour enter and make a purchase of alcohol. This occurred on at least 3 separate occasions on the same day. When asked why the shop assistant had not challenged this person, the response was simply 'I don't know him'.

On **15 January 2019** a visit was made to the premises to speak to Mr RASHID. Whilst waiting to speak to the member of staff working a male made a purchase of a single can of alcohol. This customer left the shop, crossed the road and handed it to known troublemaker. This exchange happened within clear vision line of the shop.

The staff member was challenged but could not come with a reasonable excuse why he did not ask relevant questions based on the concerns that had been raised by the Police over the last 4 months. The member of staff said that he was always refusing sales. The refusals register was requested and produced. The only recorded matters were in November 2018 – nothing before or afterwards – and did not support his position.

Clearly this a problem premises through them supplying alcohol to known troublemakers who are causing issues with their sight. The premises is breaching the premises licence and despite reassurances by Mr RASHID is not co operating and supporting the Police in tackling the problems that are a great concern to the local community.

This shop openly sells single cans of what is known as 'super strength' alcohol – that is over 6.5av. Additionally the shop sells large 3litre bottles of cider, beer and cider. These are drinks of choice for some individuals with alcohol related issues.

The view is that Mr RASHID is failing to promote the licensing objective of the prevention of crime and disorder and failing to uphold the conditions contained in the premises licence.

**The view of West Mercia Police is that due to the seriousness of this matter the premises licence for S&S News should be revoked.**

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

[Empty box for providing details of representations made before relating to the premises.]

Please tick yes

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

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

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

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

Date 7 January 2019

Capacity Applicant

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

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



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

**Premises licence number - PR01612 (Grant of Premises Licence)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description  <b>55 Broad Street Hereford Herefordshire HR4 9AB</b>
Telephone number: <b>01432 351394</b>

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

Licensable activities authorised by the licence <b>SALE/SUPPLY OF ALCOHOL</b>
--

The times the licence authorises the carrying out of licensable activities  <u><b>Supply/Sale of Alcohol</b></u>  <b>Monday – Saturday 06:00 – 22:00 Sunday – 09:00 – 22:00</b>
---

The opening hours of the premises  <b>Monday – Saturday 06:00 – 22:00 Sunday – 07:00 – 22:00</b>
--

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies  <b>For consumption off the premises</b>
---

**Part 2**

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

**Mohammed Asher Rashid  
10 Brynhyfryd Road  
Newport  
NP20 4FX**

Registered number of holder, for example company number, charity number (where applicable)

**Registered Number: None**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mohammed Asher Rashid  
10 Brynhyfryd Road  
Newport  
NP20 4FX**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number –** [REDACTED]

**Annex 1 - Mandatory conditions**

**Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

**Age verification**

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

**Annex 2 - Conditions consistent with the operating Schedule**

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

## **Licensing conditions**

### **General**

#### **Prevention of Crime and Disorder**

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 into DVD for the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. 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

An incident log must be kept at the premises (it will be retained for a period of twelve months), and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- a. all crimes reported to the venue
- b. any complaints received
- c. any incidents of disorder
- d. any visit by a relevant authority or emergency service
- e. any failure of the CCTV system.
- f. Any refusal of the sale of alcohol

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 other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining every 6 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

All existing shall be trained within 3 month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employed. All staff shall be re-trained 12 monthly thereafter. The training shall include:

- Drugs Awareness
- Conflict resolution
- Selling to under age person

- Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

The premise licence holder, the DPS and staff employed at the premises will co-operate fully with the Police and other enforcement agencies.

The premises shall be supervised by such person or persons as the DPS considers appropriate. Such person carrying out the supervisory role shall be authorised in writing to perform that role. The written authorisation shall be kept at the premises and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police. A copy of the licence including conditions shall be kept at the premises, available to staff at all times and ensure compliance with the terms of the licence.

### **Public Safety**

#### **Prevention of Public Nuisance**

The DPS and all other staff shall ensure that alcohol is not consumed on the premises or immediately upon leaving the premises and are taken off the premises by customers

The premises licence holder shall meet at reasonable times with any aggrieved party to address issues of disorder, nuisance and annoyance. A record of such meeting shall be recorded and shall be produced on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

#### **Protection of Children**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any till area advertising the scheme operated.

Either a written register of refusals detailing a description of the people who have been unable to provide required Identification to prove their age or an electronic register, detailing the age, challenges made regardless of ID being produced. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**Annex 3 - Conditions attached after a hearing by the licensing authority  
Not applicable**

**Annex 4 - Plans  
As attached**



**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number - PR01612 (Grant of Premises Licence)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**55 Broad Street  
Hereford  
Herefordshire  
HR4 9AB**

Telephone number: **01432 351394**

Where the licence is time limited the dates

**Not applicable**

Licensable activities authorised by the licence

**Supply/Sale of Alcohol**

**Monday – Saturday 06:00 – 22:00**

**Sunday – 09:00 – 22:00**

The opening hours of the premises

**Monday – Saturday 06:00 – 22:00**

**Sunday – 07:00 – 22:00**

Name, (registered) address of holder of premises licence

**Mohammed Asher Rashid  
10 Brynhyfryd Road  
Newport  
NP20 4FX**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**For consumption off the premises**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **None**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mohammed Asher Rashid**

State whether access to the premises by children is restricted or prohibited

**The premises shall operate a Challenge 25 Policy**