

Agenda

Licensing sub-committee

Date: **Friday 12 August 2022**

Time: **10.00 am**

Place: **Online Meeting**

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

For any further information please contact:

Sarah Buffrey

Tel: 01432260176

Email: sarah.buffrey@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey on 01432260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Paul Andrews, chairperson

Councillor John Hardwick

Councillor Jeremy Milln

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
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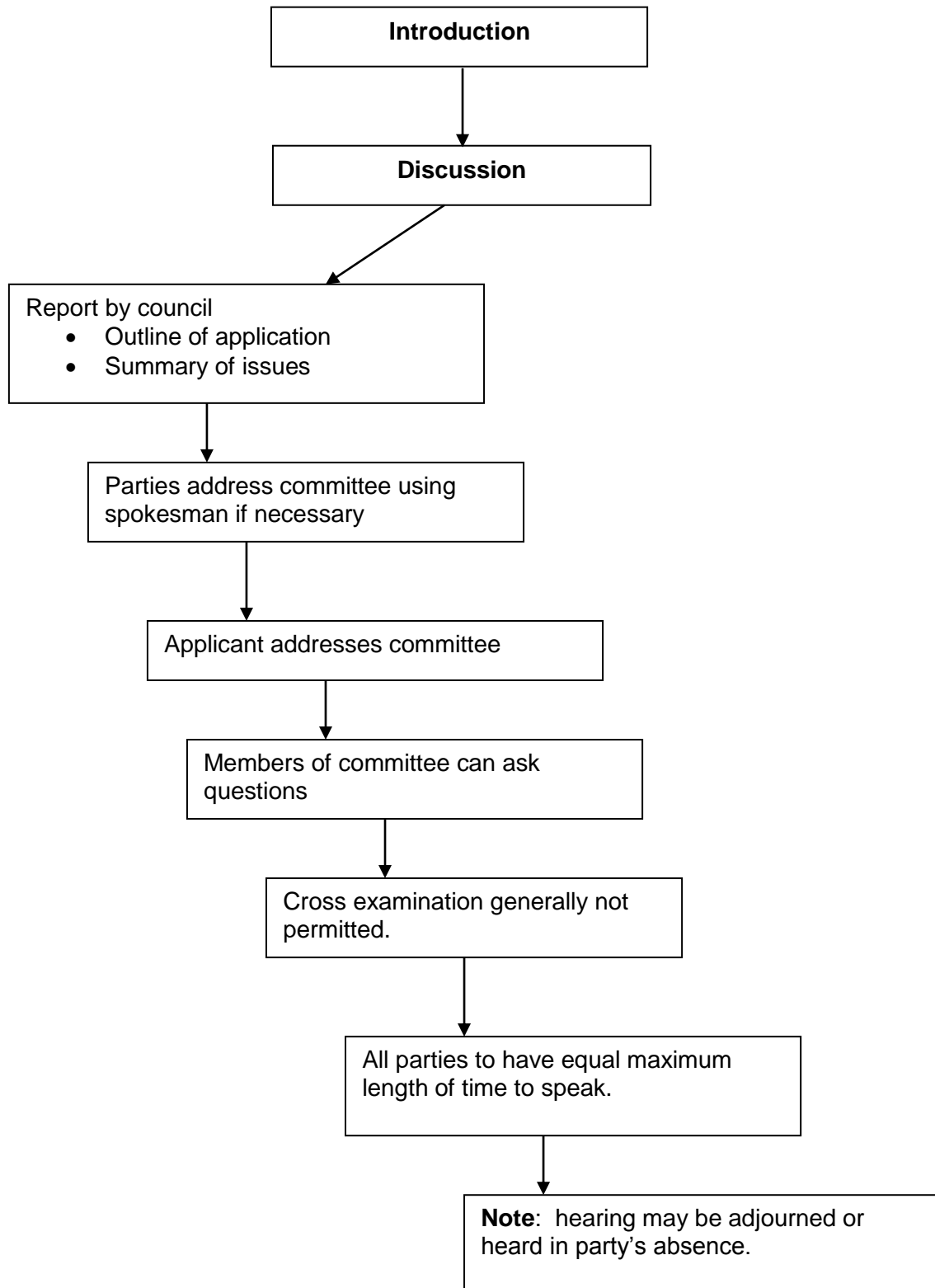
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Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Title of report: Application to transfer a premises licence in respect of:
'Brampton Stores, 25 Springfield Road, Ross-on-Wye. HR9 7EX - Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Friday 12 August 2022

Report by: Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Ross - North

Purpose

To consider an application to transfer the premises licence in respect of Brampton Stores, 25 Springfield Road, Ross-on-Wye. HR9 7EX under the Licensing Act 2003.

Recommendation(s)

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 objective of the prevention of crime & disorder,
- The application for transfer and any further supporting information,
- The Guidance issued to local authorities under the Licensing Act 2003,
- The representation (including supporting information) presented by the police
- The Herefordshire Council Statement of Licensing Policy 2020 - 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

1. There are two options open to the committee
 - Grant the application for transfer or
 - Refuse the application

Key considerations

Licence Application

2. The application for the transfer of the premises licence has received representation from the police and is brought before the committee for determination.

Applicant	Judeamalathas Christian	
Agent	ARKA Licensing Consultants	
Type of application: Transfer	Date police notified: 29 June 2022	14 Days consultation ended 13 July 2022

Summary of Application

3. The application for transfer of the premises licence was received by the licensing authority on 24 June 2022 and was subsequently rejected due to the application not meeting legislation. The agent was advised by email. A copy of the rejection letter is found at Appendix 1.
4. A complaint application was received by the licensing authority on 27 June 2022 (appendix 2) and West Mercia Police were notified of the application on 29 June 2022.
5. The transfer of the premises licence can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Mr Judeamalathas Christian is already the holder of the licence.

History of Premises

6. Mrs Rajvinder Kaur has been the premises licence holder and designated premises supervisor (DPS) since November 2005.
7. In November 2020, Mrs Kaur requested a copy of the premises licence to be sent to her and this was actioned.
8. On 4 January 2022, Mr Christian contacted the licensing authority wanting advice on how to change the name on the licence.

9. Mr Christian was contacted on 12 January 2022 to ask what name he wanted to change, however there was no answer and a message was left for him to call back. According to our systems, the call was not returned, therefore the service request was closed down.
10. Mr Christian again contacted the licensing authority on 9 February 2022 about wanting to make changes to the licence in respect of the hours, however as Mr Christian was not the premises licence holder, the licensing authority could not discuss this with him.
11. West Mercia Police attended the premises on 15 June 2022 following intelligence they received about sub-standard living conditions. Mr Christian was present and identified himself as the Manager of the business. A male was found to be living in a room at the rear of the premises that would not be deemed suitable. Whilst at the premises, enquiries identified the male, who confirmed his employment at the premises, as committing offences under the Immigration Act 2016 and was subsequently arrested.
12. West Mercia Police once again visited the premises 23 June 2022 to advise Mr Christian that he was not the premises licence holder nor was he the DPS. The officer in attendance also advised;
- That Section 19 of the Licensing Act 2003 sets out the Mandatory condition where a licence authorises the supply of alcohol:
- That no supply of alcohol may be made under the premises licence –
- At a time when there is no designated premises supervisor in respect of the premises licence,
- Or
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Advice was also given that Section 136 of the Licensing Act 2003 makes it an offence for a premise to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or an unlimited fine, or both.
13. Mr Christian is now under an investigation with Immigration due to the employment of an individual who did not have the right to be in the UK.

Current Premises Licence

14. The current licence (appendix 2) authorises the following licensable activities during the hours shown:
- Sale/Supply of Alcohol (for consumption off the premises)
- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - d) On Good Friday, 8 a.m. to 10.30 p.m.

Summary of Representations

15. The police are the only party that can object to the transfer of the Premises Licence and have done so (appendix 4).

Community impact

16. Any decision may have an impact on the local community.

Environmental Impact

17. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

19. There are no equality issues in relation to the content of this report.
20. 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.
21. 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.

Resource implications

22. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

23. There are unlikely to be any financial implications for the council, as licensing authority at this time.

Legal implications

24. 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.
25. 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.
26. 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.
27. 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: -
28. 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.
29. 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.
30. 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:
31. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
32. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
33. The committee's attention is drawn to the Section 182 Guidance which states:
Paragraph 11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- b. for the sale and distribution of illegal firearms;
- c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- e. for prostitution or the sale of unlawful pornography;
- f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
- g. for the organisation of racist activity or the promotion of racist attacks;
- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

34. Section 42 (5) of the act states that 'Where a notice is given under section 42(6) (*objection notice*) (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the applicant and the person who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice—
 - (i) where the notice is given under section 42(6), reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
 - (ii) where the notice is given under section 42(8), reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.

35. In effect this means that any decision has immediate effect.

Right of Appeal

36. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision.
37. However as the decision has immediate effect the licence is not re-instated pending an appeal.

Risk management

38. 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

39. The police are the only responsible authorities that can object.

Appendices

Appendix 1 - Application Rejection Letter

Appendix 2 – Application Form

Appendix 3 – Current Premises Licence

Appendix 4 – West Mercia Police Objection

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor

Nira Suresh
 Arka Licensing Consultants
 Trident Business Centre
 89 Bickersteth Road
 London
 SW17 9SH

Dear Sir/Madam

**LICENSING ACT 2003
 APPLICATION FOR TRANSFER OF PREMISES LICENCE
 PREMISE LICENCE NUMBER: PR00156
 BRAMPTON STORES, 25 SPRINGFIELD ROAD, ROSS-ON-WYE. HR9 7EX**

We refer to your recent application as detailed above, which was received on GOV.UK on 23 June 2022 and by the Licensing Authority on the 24 June 2022

The Licensing Authority is unable to accept your application for the reasons shown below:

The Right to Work in the UK document is corrupted	X
The consent form is incorrect – the consent is not signed by the current premises licence holder	X
The premises licence (or relevant parts) are not enclosed – if you cannot enclose this, please give a reason why on the amended application	X
The premises licence is currently suspended, therefore the authority cannot accept any application until the suspension has been lifted	X

Following your application, we now have reason to believe that this premise is no longer under the control of the licence holder and designated premises supervisor Mrs Rajuinder Kaur as specified on the premises licence. I must emphasise that Section 19 of the Licensing Act 2003 sets out the Mandatory condition where a licence authorises the supply of alcohol:

That no supply of alcohol may be made under the premises licence –

- At a time when there is no designated premises supervisor in respect of the premises licence,

Or

- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

You are advised that Section 136 of the Licensing Act 2003 makes it an offence for a premise to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or an unlimited fine, or both.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation, we **may** take enforcement action against you.

Yours faithfully,

**SENIOR LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL**

Cc West Mercia Police

* required information

Section 1 of 7

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Is the applicant's business registered outside the UK? Yes No

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

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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.

Agent 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 7

PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number

Name Of Current Premises Licence Holder

* Name

Premises Address

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

Address OS map reference Description

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Please give a brief description of the premises

Continued from previous page...

LOCAL CONVENIENCE STORE

Telephone number at the premises if any

Section 3 of 7

APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

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

Please 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 7

INDIVIDUAL APPLICANT DETAILS

Continued from previous page...

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

Family name

Is the applicant 18 years of age or older?

- Yes No

Applicant Postal Address

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

- Yes No

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

Building number or name

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

Right to work share code

Right to work share code if not submitting scanned documents

Section 5 of 7

FURTHER INFORMATION

Continued from previous page...

Are you the holder of the premises licence under an interim authority notice?

- Yes No

Do you wish the transfer to have immediate effect?

- Yes No

Have you attached the consent form signed by the existing premises licence holder?

- Yes No

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

- Yes No

Have you attached the previous licence?

- Yes No

Please enter your reasons

THE PREMISES LICENCE HAS BEEN SEND BACK TO YOU BY THE PREVIOUS LICENCE HOLDER. WE HAVE NO COPIES AVAILABLE

Section 6 of 7

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 in one of two ways: 1) by providing with application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued in the UK, **together 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.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

Continued from previous page...

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 7 of 7

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.

This formality requires a fixed fee of £23

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

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.

Continued from previous page...

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)

* 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-3> to upload this file and continue with your application.

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

Consent of premises licence holder to transfer

I/we RAJVINDER KAUR

[full name of premises licence holder(s)]

the premises licence holder of premises licence number PR00156

[insert premises licence number]

relating to

BRAMPTON STORES, 25 SPRINGFIELD ROAD, ROSS-ON-WYE, HR9 7EX

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

hereby give my consent for the transfer of premises licence number

PR00156

[insert premises licence number]

to

JUDEAMALATHAS CHRISTIAN

[full name of transferee].

signed

name
(please print)


RAJVINDER KAUR

dated

15/06/2022

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

Premises Licence Number PR00156 (Copy 24.11.2020)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description BRAMPTON STORES 25 SPRINGFIELD ROAD	
Post town ROSS-ON-WYE	Postcode HR9 7EX
Telephone number 01989 562475	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) Provision of refreshment or alcohol 1. Sale by retail of alcohol Restrictions on Licensable Activities as numbered above

The times the licence authorises the carrying out of licensable activities a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d) On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises Not applicable
--

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

Part 2

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

**Mrs Rajuinder Kaur
BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX
Telephone: (Day-time only) 01989 562475**

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

Not applicable

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

**Mrs Rajuinder Kaur
BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX**

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

Not applicable

Annexe 1 – Mandatory Conditions

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
- (a) 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:

Off-licences and off-sales

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

Off-licence Consumption

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

Licensing objectives**Annex 4 - Plans**

As attached

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

Premises Licence Number PR00156 (Copy 24.11.2020)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description BRAMPTON STORES 25 SPRINGFIELD ROAD	
Post town ROSS-ON-WYE	Post code HR9 7EX
Telephone number 01989 562475	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Sale by retail of alcohol Restrictions on Licensable Activities as numbered above

The times the licence authorises the carrying out of licensable activities a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d) On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises Not applicable
--

Name, (registered) address of holder of premises licence Mrs Rajuinder Kaur BRAMPTON STORES 25 SPRINGFIELD ROAD ROSS-ON-WYE HR9 7EX Telephone: (Day-time only) 01989 562475

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

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

Not applicable

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

Mrs Rajuinder Kaur

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

Licensing Conditions: Not applicable

Licensing Objectives: Not applicable

From: [REDACTED]@westmercia.police.uk>

Sent: 30 June 2022 12:55

To: [REDACTED]
[REDACTED]
[REDACTED]

Subject: Brampton Stores Ross on Wye

West Mercia Police are in receipt of applications for **Brampton Stores, Ross-On-Wye**. The applications are to transfer the premises licence to **JUDEAMALATHAS CHRISTIAN** and to specify him as the designated premises supervisor (DPS).

This premises is currently subject to an investigation by West Midlands Immigration Compliance & Enforcement Authority

West Mercia Police OBJECT to the applications to transfer the premises licence to Mr CHRISTIAN and to specify him as the designated premises supervisor.

West Mercia Police are aware that following a visit by Trading Standards on 20th May 2022 it was established that Mr Christian was responsible for the premises.

Trading Standards raised concerns with West Mercia Police regarding the living conditions for a member of staff living in a room at the rear of the shop Premises.

West Mercia Police attended the premises on 15th June 2022, Mr Christian was present and identified himself and the Manager of the business. A male was found to living in a room at the rear of the premises that would not be deemed suitable. Whilst at the premises enquiries identified the male who confirmed his employment at the premises as committing offences under the Immigration Act and was subsequently arrested.

It is the view of West Mercia Police **Mr CHRISTIAN** was in a position of responsibility and is involved in the day to day running of the business and therefore would have been aware of Immigration status of the employee living at the rear of the premises.

It is the view of West Mercia Police that to allow the transfer of the premises licence and ultimately the naming of **Mr CHRISTIAN** as the designated premises supervisor will undermine the licensing objective of the prevention of crime and disorder.

Regards

[REDACTED]

[REDACTED]

[REDACTED]
Harm Hub Hereford Police Station

[REDACTED]

[REDACTED]

[REDACTED]



Title of report: Application to vary designated premises supervisor in respect of: 'Brampton Stores, 25 Springfield Road, Ross-on-Wye. HR9 7EX - Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Friday 12 August 2022

Report by: Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Ross – North

Purpose

To consider an application to vary designated premises supervisor in respect of Brampton Stores, 25 Springfield Road, Ross-on-Wye. HR9 7EX under the Licensing Act 2003.

Recommendation(s)

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 objective of the prevention of crime & disorder,
- The application for transfer and any further supporting information,
- The Guidance issued to local authorities under the Licensing Act 2003,
- The representation (including supporting information) presented by the police
- The Herefordshire Council Statement of Licensing Policy 2020 - 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

1. There are two options open to the committee
 - Grant the application for change of designated premises supervisor
 - Refuse the application

Key considerations

Licence Application

2. The application for the change of designated premises supervisor has received representation from the police and is brought before the committee for determination.

Applicant	Judeamalathas Christian	
Agent	ARKA Licensing Consultants	
Type of application: Vary DPS	Date police notified: 29 June 2022	14 Days consultation ended 13 July 2022

Summary of Application

3. An application to vary the DPS was received by the licensing authority on 27 June 2022 (appendix 1) and West Mercia Police were notified of the application on 29 June 2022.
4. The application to vary the DPS on the premises licence can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Mr Judeamalathas Christian is already the designated premises supervisor at the premises.

History of Premises

5. Mrs Rajvinder Kaur has been the premises licence holder and designated premises supervisor (DPS) since November 2005.
6. In November 2020, Mrs Kaur requested a copy of the premises licence to be sent to her and this was actioned.
7. On 4 January 2022, Mr Christian contacted the licensing authority wanting advice on how to change the name on the licence.
8. Mr Christian was contacted on 12 January 2022 to ask what name he wanted to change, however there was no answer and a message was left for him to call back. According to our systems, the call was not returned, therefore the service request was closed down.

9. Mr Christian again contacted the licensing authority on 9 February 2022 about wanting to make changes to the licence in respect of the hours, however as Mr Christian was not the premises licence holder, the licensing authority could not discuss this with him.
10. West Mercia Police attended the premises on 15 June 2022 following intelligence they received about sub-standard living conditions. Mr Christian was present and identified himself as the Manager of the business. A male was found to be living in a room at the rear of the premises that would not be deemed suitable. Whilst at the premises, enquiries identified the male, who confirmed his employment at the premises, as committing offences under the Immigration Act and was subsequently arrested.
11. West Mercia Police once again visited the premises 23 June 2022 to advise Mr Christian that he was not the premises licence holder nor was he the DPS. The officer in attendance also advised;
- That Section 19 of the Licensing Act 2003 sets out the Mandatory condition where a licence authorises the supply of alcohol:
- That no supply of alcohol may be made under the premises licence –
- At a time when there is no designated premises supervisor in respect of the premises licence,
- Or
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Advice was also given that Section 136 of the Licensing Act 2003 makes it an offence for a premise to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or an unlimited fine, or both.
12. Mr Christian is now under an investigation with Immigration due to the employment of an individual who did not have the right to be in the UK.

Current Premises Licence

13. The current licence (appendix 2) authorises the following licensable activities during the hours shown:
- Sale/Supply of Alcohol (for consumption off the premises)
- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - d) On Good Friday, 8 a.m. to 10.30 p.m.

Summary of Representations

14. The police are the only party that can object to the change of designated premises supervisor and have done so (appendix 3).

Community impact

15. Any decision may have an impact on the local community.

Environmental Impact

16. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
18. There are no equality issues in relation to the content of this report.
 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.

Resource implications

21. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

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

Legal implications

23. 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.
24. 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.
25. 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.
26. 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: -
27. 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.
28. 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.
29. 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:
30. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
31. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
32. The committee's attention is drawn to the Section 182 Guidance which states:

Paragraph 11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- b. for the sale and distribution of illegal firearms;
- c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

- e. for prostitution or the sale of unlawful pornography;
- f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
- g. for the organisation of racist activity or the promotion of racist attacks;
- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

33. Section 37 of the Licensing Act 2003 only permits application for a change of designated premises supervisor to be made by the premises licence holder.

34. Section 39 (3) of the act states that: 'Where a notice is given under section 37(5) (*objection notice*) (and not withdrawn), the authority must—

- (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
- (b) having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

35. In effect this means that any decision has immediate effect.

Right of Appeal

36. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision.

37. However as the decision has immediate effect the licence is not re-instated pending an appeal.

Risk management

38. 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

39. The police are the only responsible authorities that can object.

Appendices

- Appendix 1 – Application Form
- Appendix 2 – Current Premises Licence
- Appendix 3 – West Mercia Police Objection

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor

Section 1 of 4

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Is the applicant's business registered outside the UK? Yes No

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

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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.

Agent 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 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

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

- Address OS map reference Description

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

Describe the premises. For example, what type of premises it is

Continued from previous page...

LOCAL CONVEINCE STORE

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name

* Family name

* Nationality

* Place of birth

* Date of birth

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name

Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

Yes No

I will notify the existing premises supervisor (if any) of this application

* Will the premises licence or relevant part of it be submitted with this application?

Yes No

* Reasons why the premises licence or relevant part of it will not be submitted with this application

The premises has already been taken away and sent back by previous licence holder.

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

Continued from previous page...

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 variation

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 4 of 4

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.
This formality requires a fixed fee of £23

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

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.

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?"

Signature Of Applicant Or Applicant's Solicitor

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Joint Applicants, Signature Of Second Applicant Or Second Applicants Solicitor

Full name	<input type="text"/>
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Continued from previous page...

Capacity

Date (dd/mm/yyyy)

DPS Consent Form

Consent of individual to being specified as a premises supervisor

I JUDEAMALATHAS CHRISTIAN
[full name of prospective premises supervisor]

of


.....
[home address of prospective premises supervisor]

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

.....
[type of application]

by
JUDEAMALATHAS CHRISTIAN
.....
[name of applicant]

relating to a premises licence PR00156
.....
[number of existing licence, if any]

for
BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX
.....
[name and address of premises to which the application relates]

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

JUDEAMALATHAS CHRISTIAN

[name of applicant]

concerning the supply of alcohol at

BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX

[name and address of premises to which application relates]

my date of birth is



[insert your date of birth e.g 1st January 1980]

I also 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 set out below.

Personal licence number



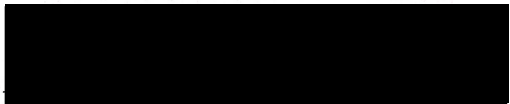
[insert personal licence number, if any]

Personal licence issuing authority

GLOUCESTER CITY COUNCIL

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

Signed



Name (please print)

JUDEAMALATHAS CHRISTIAN

Date

20/06/2022

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

Premises Licence Number PR00156 (Copy 24.11.2020)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description BRAMPTON STORES 25 SPRINGFIELD ROAD	
Post town ROSS-ON-WYE	Postcode HR9 7EX
Telephone number 01989 562475	

Where the licence is time limited the dates Not applicable
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Licensable activities authorised by the licence (All indoors unless otherwise stated) Provision of refreshment or alcohol 1. Sale by retail of alcohol Restrictions on Licensable Activities as numbered above

The times the licence authorises the carrying out of licensable activities a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d) On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises Not applicable
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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Off the premises

Part 2

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

**Mrs Rajuinder Kaur
BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX
Telephone: (Day-time only) 01989 562475**

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

Not applicable

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

**Mrs Rajuinder Kaur
BRAMPTON STORES
25 SPRINGFIELD ROAD
ROSS-ON-WYE
HR9 7EX**

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

Not applicable

Annexe 1 – Mandatory Conditions

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
- (a) 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:

Off-licences and off-sales

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

Off-licence Consumption

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

Licensing objectives**Annex 4 - Plans**

As attached

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

Premises Licence Number PR00156 (Copy 24.11.2020)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description BRAMPTON STORES 25 SPRINGFIELD ROAD	
Post town ROSS-ON-WYE	Post code HR9 7EX
Telephone number 01989 562475	

Where the licence is time limited the dates Not applicable
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Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Sale by retail of alcohol Restrictions on Licensable Activities as numbered above

The times the licence authorises the carrying out of licensable activities a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d) On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises Not applicable
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Name, (registered) address of holder of premises licence Mrs Rajuinder Kaur BRAMPTON STORES 25 SPRINGFIELD ROAD ROSS-ON-WYE HR9 7EX Telephone: (Day-time only) 01989 562475

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

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

Not applicable

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

Mrs Rajuinder Kaur

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

Licensing Conditions: Not applicable

Licensing Objectives: Not applicable

From: [REDACTED]@westmercia.police.uk>

Sent: 30 June 2022 12:55

To: [REDACTED]
[REDACTED]
[REDACTED]

Subject: Brampton Stores Ross on Wye

West Mercia Police are in receipt of applications for **Brampton Stores, Ross-On-Wye**. The applications are to transfer the premises licence to **JUDEAMALATHAS CHRISTIAN** and to specify him as the designated premises supervisor (DPS).

This premises is currently subject to an investigation by West Midlands Immigration Compliance & Enforcement Authority

West Mercia Police OBJECT to the applications to transfer the premises licence to Mr CHRISTIAN and to specify him as the designated premises supervisor.

West Mercia Police are aware that following a visit by Trading Standards on 20th May 2022 it was established that Mr Christian was responsible for the premises.

Trading Standards raised concerns with West Mercia Police regarding the living conditions for a member of staff living in a room at the rear of the shop Premises.

West Mercia Police attended the premises on 15th June 2022, Mr Christian was present and identified himself and the Manager of the business. A male was found to living in a room at the rear of the premises that would not be deemed suitable. Whilst at the premises enquiries identified the male who confirmed his employment at the premises as committing offences under the Immigration Act and was subsequently arrested.

It is the view of West Mercia Police **Mr CHRISTIAN** was in a position of responsibility and is involved in the day to day running of the business and therefore would have been aware of Immigration status of the employee living at the rear of the premises.

It is the view of West Mercia Police that to allow the transfer of the premises licence and ultimately the naming of **Mr CHRISTIAN** as the designated premises supervisor will undermine the licensing objective of the prevention of crime and disorder.

Regards

[REDACTED]

[REDACTED]

[REDACTED]
Harm Hub Hereford Police Station

[REDACTED]

[REDACTED]

[REDACTED]

