

Agenda

Licensing sub-committee

Date: **Monday 16 January 2023**

Time: **1.45 pm**

Place: **Online Meeting**

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

For any further information please contact:

Sarah Buffrey

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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

Councillor Polly Andrews
Councillor Clare Davies

Agenda

PUBLIC INFORMATION

THE NOLAN PRINCIPLES

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

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

3. DECLARATIONS OF INTEREST

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

4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'MARDEN POST OFFICE, MARDEN, HEREFORD HR1 3EW' - LICENSING ACT 2003

11 - 50

To consider an application for a variation for a premises licence in respect of Marden Post Office, Marden, Hereford. HR1 3EW under the Licensing Act 2003.

5. EXCLUSION OF PUBLIC AND PRESS

In the opinion of the Proper Officer, all or part of the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Paragraphs:

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

6. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'NOVELLOS POOL BAR & SPORTS LOFT', 57 COMMERCIAL STREET, HEREFORD, HR1 2DJ - LICENSING ACT 2003

51 - 94

To consider an application for a grant of a premises licence in respect of
Novellos Pool Bar & Sports Loft under the Licensing Act 2003.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

RECORDING OF THIS MEETING

Please note that the council will be making a recording of this public meeting. These recordings form part of the public record of the meeting and are made available for members of the public via the council's website.

To ensure that recording quality is maintained, could members and any attending members of the public speak as clearly as possible and keep background noise to a minimum while recording is in operation.

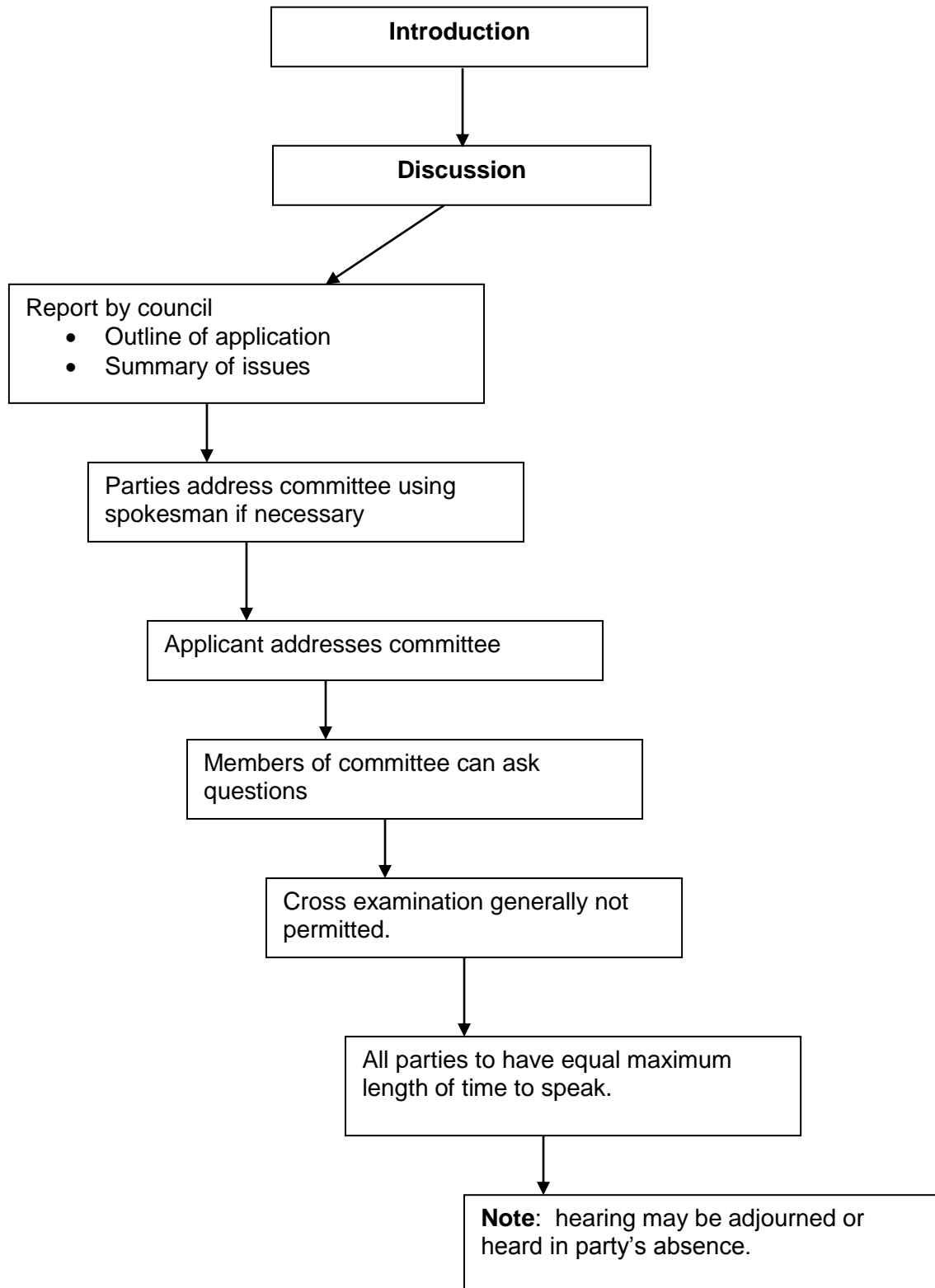
Please also note that other attendees are permitted to film, photograph and record our public meetings provided that it does not disrupt the business of the meeting.

If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

Please ensure that your mobile phones and other devices are turned to silent during the meeting.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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.



Application for a variation of a premises licence in respect of 'Marden Post Office, Marden, Hereford. HR1 3EW – Licensing Act 2003.

Meeting: Licensing sub-committee

Meeting date: Monday 16 January 2023

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Sutton Walls

Purpose

To consider an application for a variation for a premises licence in respect of Marden Post Office, Marden, Hereford. HR1 3EW under the Licensing Act 2003

Recommendation(s)

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:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative 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 refuse the application

Key considerations

Licence Application

2. The application for the variation of a premises licence has received relevant representation and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states "All representation must be 'relevant', for example they must be about the likely effect of the grant of the application". This followed paragraph 8.57 in the s182 Guidance which uses the same wording
4. The details of the application are:

Applicant	Blue Star Power Limited
Agent	Not applicable at time of publishing

Type of application:	Date received:	28 Days consultation ended:
Grant	18 November 2022	16 December 2022
	28 day consultation started:	
	19 November 2022	

Summary of Application

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

To add consumption on the premises

Updated plan

Sale/Supply of Alcohol (consumption on and off the premises)

Monday – Saturday 08:00 – 23:00

Sunday 10:00 – 22:30

Current Licence

A copy of the current licence is attached at Appendix 2. It authorises

Sale by retail of alcohol

- 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

- 6. One (1) objection has been received from one of the responsible authorities – West Mercia Police and can be found at Appendix 3
- 7. One (1) representation has been received from one of the responsible authorities – Trading Standards and the conditions have been agreed with the applicant (appendix 4)
- 8. Two (2) relevant representations have been received from members of the public that the licensing authority have accepted as being relevant. (Appendix 5).

Premises History

- 9. The premises was first licenced in 2005 for sale of alcohol.
- 10. On 7 May 2021 an application to transfer and vary the designated premises supervisor (DPS) was received. This was granted on 25 May 2021

11. On 10 October 2022 an application to transfer and vary the designated premises supervisor (DPS) was received. This was granted on 25 October 2022.

Community impact

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

Environmental Impact

13. 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

14. 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.
15. There are no equality issues in relation to the content of this report.
 16. 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.
 17. 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

18. 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

19. There are unlikely to be any financial implications for the council, as Licensing Authority at this time.

Legal implications

20. 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.
21. 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.
22. 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.
23. 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: -
24. 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.
25. 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.
26. This judgment 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'.
27. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

28. Schedule 5 Part 1 of the Licensing Act 2003 gives a right of appeal which states:
Variation of licence under section 35.
- (1) This paragraph applies where a an application to vary a premises licence is (in whole or in part) under section 35.
 - (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section. —
 - (a)
 - (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that any variation made ought not to have been made, or
 - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section he may appeal against the decision
 - (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).
29. 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

30. 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

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

Appendices

Appendix 1 - Application Form
Appendix 2 – Current Premises Licence
Appendix 3 – West Mercia Police Objection
Appendix 4 – Trading Standards representation
Appendix 5 – Public representations

Background papers

None Identified

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

DPS: Designated Premises Supervisor

Application to vary a premises licence 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/We Blue Star Power Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PR00397

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Site plan attached.			
Marden Post Office & Stores Marden			
Post town	Hereford	Postcode	HR1 3EW

Telephone number at premises (if any)	01432 880386
Non-domestic rateable value of premises	£11,000

Part 2 – Applicant details

Daytime contact telephone number	01432 880386		
E-mail address (optional)	mardenstores@gmail.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	X			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	08.00	23.00						
Tue	08.00	23.00						
Wed	08.00	23.00						
Thur	08.00	23.00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	08.00	23.00						
Sat	08.00	23.00						
Sun	10.00	22.30						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

At present the store closes at 18.00 but this will be extended to 23.00

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Limit of people attendance Supervision on site at all times. The site has security cameras and lock down procedures	
---	--

b) The prevention of crime and disorder

Supervision on site at all times. The site has theft / security processes and procedures Monitoring of persistent alcohol abuse from any person(s)	
--	--

c) Public safety

Aware of overcrowding and limit of numbers. Signage to promote H&S and fire hazard	
---	--

d) The prevention of public nuisance

Monitoring of noise levels Awareness of litter Providing smoking areas Aware of light pollution to neighbouring houses	
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e) The protection of children from harm

Security onsite Supervision at all times Evening hours children to be under adult supervision	
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Checklist:

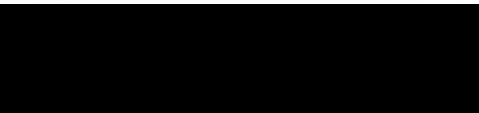
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

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

Part 5 – Signatures (please read guidance note 12)

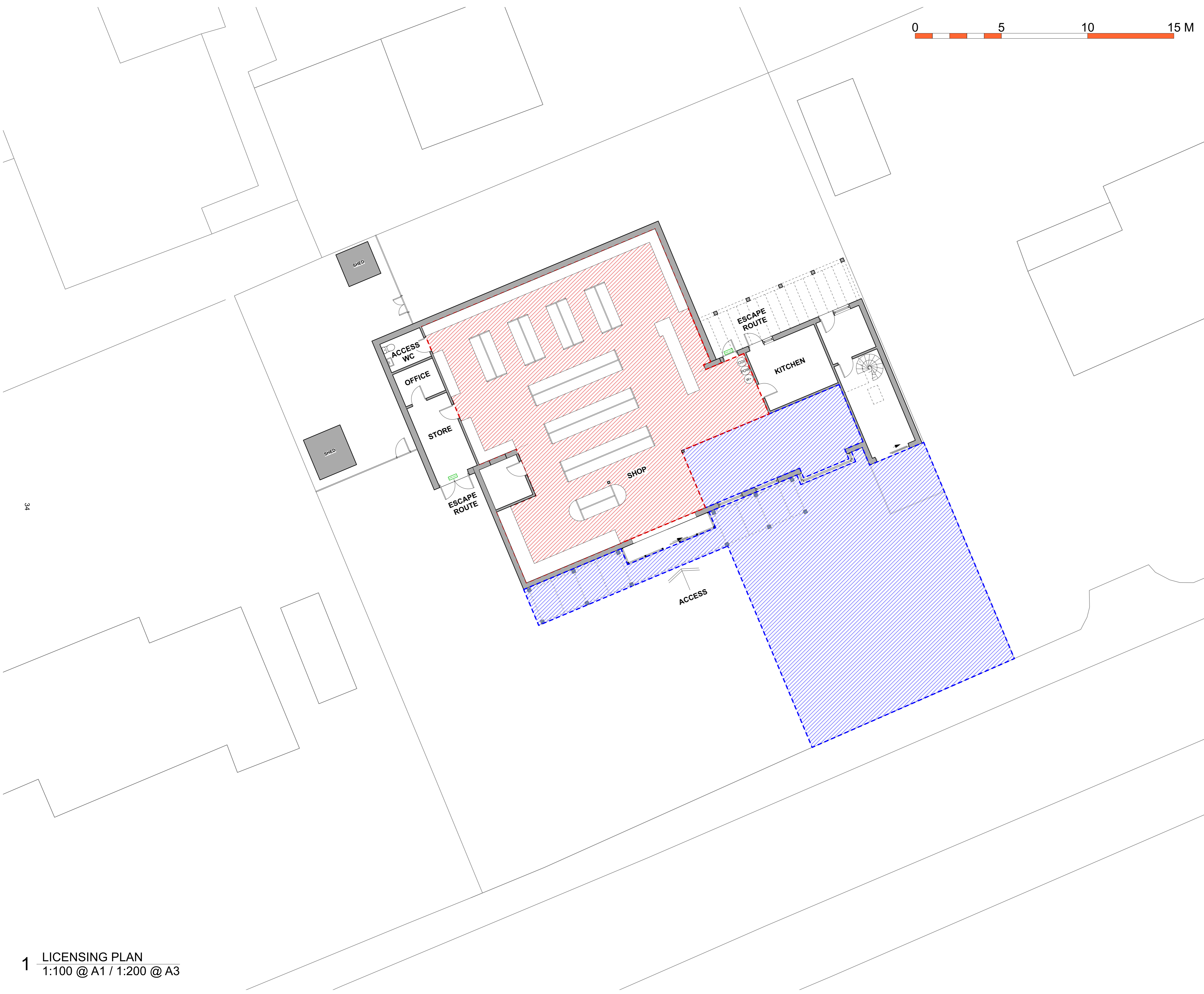
Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date	8/11/2022	
Capacity	Current Licence Holder	

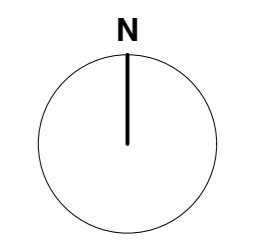
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			



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- 2 Any discrepancies to be referred to the Architect.
- 3 This drawing is to be read in conjunction with all relevant specifications and other drawings issued by the Architect, and other specialists
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- 5 IF IN DOUBT, ASK.



KEY

- Licensable Activity
223 SQ.M
- Area alcohol to be consumed
242 SQ.M

FIRE EXIT Escape route

Fire extinguishers

- CO2 Carbon dioxide
- POW Powder
- W+ Water plus

Revisions in accordance with Licencing Officer comments			
Revision Description	Date	Check	Rev
20221114-			A



RRA Architects Ltd
 WorkHere: 4 - 5 High Town
 Hereford
 HR1 2AA
 T 01432 278 707
 E enquiries@rraarchitects.com

www.rraarchitects.com

London T 0203 130 0398	Hereford T 01432 278 707
Ludlow T 01584 519 747	Gloucestershire T 01242 269374

Client :
MR DAVIES

Project :
**MARDEN SHOP & POST OFFICE,
 MARDEN, HEREFORDSHIRE
 HR1 3EW**

Drawing Title :
PROPOSED LICENSE PLAN

Status	Date	Drawn By
STAT. AUTHORITY	MAY 2022	RJ
Drawing No.	Revision	Scale
3564 P(0) 101	A	1:100 @ A1

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

Premises licence number PR00397 (Vary DPS)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Marden Post Office Marden	
Post town Hereford	Postcode HR1 3EW
Telephone number 01432 880386	

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

Licensable activities authorised by the licence 1. Sale by retail of alcohol
--

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 Blue Star Power Limited c/o 14 St. Owen Street Hereford HR1 2PL

Registered number of holder, for example company number, charity number (where applicable) 09849331

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

Wayne David Jones

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: PL

Issuing authority: Herefordshire Council

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:

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

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

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 PR00397 (Vary DPS)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Marden Post Office Marden	
Post town Hereford	Post code HR1 3EW
Telephone number 01432 880386	

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

Licensable activities authorised by the licence 1. Sale by retail of alcohol
--

The times the licence authorises the carrying out of licensable activities e) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. f) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. g) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. h) 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 Blue Star Power Limited c/o 14 St. Owen Street Hereford HR1 2PL
--

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

Wayne David Jones

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

Protection of Children: Not applicable

Protection of Children: Not applicable

From: [REDACTED]
Sent: 15 December 2022 12:23
To: Licensing <licensing@herefordshire.gov.uk>
Subject: RE: [EXTERNAL] Marden Post Office & Stores Application

Good afternoon

With regards to the attached application as attached.

Under Crime and disorder I on behalf of West Mercia Police object to the varying of the application subject to visiting the premises to observe the change of use and its suitability.

Regards

[REDACTED]
MATES/Licensing/Dedicated Football Officer
Harm Hub Hereford Police Station

[REDACTED]
[REDACTED]
[REDACTED]

From: Blue Star Power Ltd
Sent: 24 November 2022 11:36
To: Licensing <licensing@herefordshire.gov.uk>
Cc: Trading Standards
Subject: Marden Post Office & Stores Licence variation application

Good morning

Thank you for your email.

We agree to the representation made by Trading Standards in respect of our application.

Regards

From: Trading Standards
Sent: 21 November 2022 16:50
To: Licensing <licensing@herefordshire.gov.uk>
Subject: FW: Marden Post Office & Stores Application

Good afternoon,
I have reviewed the attached application for a variation, and would suggest adding the following conditions to the licence

Prevention of Crime and Disorder

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 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.

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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

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 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.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific

incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Trading Standards Practitioner
Herefordshire Trading Standards Service
8 St Owen's Street
Hereford
HR1 2PJ

RECEIVED
14 DEC 2022
BY:

HEREFORDSHIRE COUNCIL
Licensing Act 2003

Please return this form, and any additional information within the statutory period to:
The Licensing Section,
Herefordshire Council,
8 St Owen Street,
Hereford,
HR1 2PJ
licensing@herefordshire.gov.uk

REPRESENTATION FORM – INTERESTED PARTIES

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

When completing this form please print clearly and legibly.

Your Name: [REDACTED]	Contact Telephone No.: [REDACTED]
Address: [REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about: LOCAL RESIDENT
Name & Address of premises you are making a representation about: Marden Post Office and Stores, Marden, Hereford, HR1 3EW	

DATA PROTECTION ACT 1998. Please indicate by ticking here ...*.. if you are not content for your personal details to be circulated as necessary prior to any hearing .

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<p>To Prevent Crime & Disorder Long licensing hours and early start to drinking are a potential source of problems.</p>
<p>To Prevent Public Nuisance The premises in question is a Post Office and food store patronised by local residents including children and the elderly.. It does not appear to be a suitable premises for the consumption of alcohol as drinkers would have to be in the shop to purchase drinks and visit the toilet. The outdoor seating /drinking area is directly adjacent to private housing and the proposed opening hours would cause considerable nuisance through noise and lights. There is already a pub in the village (currently not open) which is much more suitable, and which, I believe, is owned by the same family. Given all of the above, I am opposed to a licence being granted for drinking on the premises.</p>

To Protect Children from Harm

Unaccompanied children will visit the shop, and it is not appropriate for the to see alcohol being consumed on the premises.

Signed:

[Redacted Signature]

Date:

12th Dec. 2022

[Redacted Box]

[Redacted Box]

MEMORANDUM

To : LICENSING OFFICER

From : Marden Parish Council

Tel : My Ref : PR00397

Date : 16 Dec 2022 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR GRANT OF PREMISES LICENCE
MARDEN POST OFFICE & STORES**

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

Representation	Industry Guidance
<p>2 applications have been made:</p> <p>The First was an application for a variation to the current license from 'Off' sales only to 'Off and On' sale of alcohol. Consultation was from 17th November 2022 until 30th November 2022.</p> <p>The Second, according to the notice in the Hereford Times, is an Application for Grant of Premise Licence/Club Premises Certificate. Consultation is from the 19th November 2022 until the 16th of December 2022. (It is noted that the notice in the Hereford Times indicates the end of the consultation is the 19th of December 2022).</p>	
<p>PREVENTION OF CRIME & DISORDER</p> <p>The premises is a large supermarket style shop and a Post Office selling various lottery, chance tickets and Post Office goods. Both areas have 'tills' for cash payments accessible by the staff. These areas will still need to be open to the public during licensing times and will therefore be accessible to all. Should any problems occur the various tills and high value items will be very vulnerable. Late night opening could attract targeted attacks and disruption. Qualified door staff would be required to deter such intrusions.</p> <p>The answers given by the applicant to all of the objectives lack critical detail and any obvious human or physical planning, and assume current staff are authorised and able to deal any problems. There is no indication of the actual use the Premises/Club License is required for.</p>	<p>Licensing Act 2003, 21, 37, 61, 62, 63, 64, 71, 72, 140, 141, 142, 143, 144, 160, 192A, Gambling Act 2005, 33, 178, 278</p>
<p>PUBLIC SAFETY</p> <p>As above:</p> <p>Escape Routes: There are 3 possible escape routes:</p> <ul style="list-style-type: none"> a. One is through the 'kitchen' to an exit at the back of the building, then through a compound with 2 (probably locked) gates emerging on the left side of the building. b. The other is via the (locked) storeroom emerging through an exit on the left of the building. c. The main door is electrically operated. It would not work if the electricity supply failed. 	<p>UK Parliament; Building Regulations; Statement made on 4 July 2022. (Statement UIN HCWS172) 'All public</p>

<p>There is only one 'Access WC' shown on the incorrect plan (a section of the interior wall is missing). This would require anyone consuming alcohol to exit from the drinking area and pass across the whole of the supermarket/Post Office area while other customers are present. Hereford Planning would need to be consulted in regard to the provision of the extra facilities required.</p>	<p>buildings to have separate male and female toilets.' Local Government (Miscellaneous Provisions) Act 1976, Section 20.</p>
<p>PREVENTION OF PUBLIC NUISANCE As above: Domestic properties lie within 30m of the proposed site. The proposed site borders the road C1124 and the car park of the premises, it is large outdoor area that cannot be policed from inside the building. There is not a fence between the car park of the road. Sound pollution may be a problem, especially in the Summertime.</p> <p>The carrying of open containers in the street could lead to difficulties with neighbours.</p> <p>Vehicle Parking: With the Marden Primary Academy and current Community Centre in close proximity, safe offroad parking is very limited. Parking at the applicant's site is inadequate for those already attending the premises. Although vehicle parking on the road C1124 is possible it could lead to neighbour's property entrances being blocked and further congestion of the rural village roads that are also used by 30+ ton lorries on a regular basis.</p> <p>The NDP M14 Dark Sky: M1, M7, M12, M14 are also relevant.</p>	<p>The Building Regulations 2010. The Building (Approved Inspections etc) Regulations 2010. Law Commission: Simplification of Criminal Law: Public Nuisance and Outraging Public Decency. Law Com No 358. NDP M1, M7, M12, M14</p>
<p>PROTECTION OF CHILDREN FROM HARM The premises are very near to Marden Primary Academy and unaccompanied children use the shop to buy many items. They would have to cross the designated drinking area to enter the shop in contravention of Clause 145. The rest of the drinking area – internal and external - does not have any obvious way of preventing children from entering it.</p>	<p>Licensing Act 2003, 137, 145, 146, 147, 147A, 149, 150, 151, 152, 153,</p> <p>Gambling Act 2005, Part 4,</p>

REFERENCES

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

THE LICENSING ACT 2003;

THE GAMBLING ACT 2005;

UK Parliament; Building Regulations; Statement made on 4 July 2022. (Statement UIN HCWS172) 'All public buildings to have separate male and female toilets.';

Local Government (Miscellaneous Provisions) Act 1976, Section 20; The Building Regulations 2010.

The Building (Approved Inspections etc) Regulations 2010.

Law Commission: Simplification of Criminal Law: Public Nuisance and Outraging Public Decency. Law Com No 358;

Marden Neighbourhood Development Plan to 2031. Regulation 14.

**OFFICER
POSITION
AUTHORITY**

Marden Parish Council Comment.

While the PC recognise the development of the village shop, the PC has concerns that it is an inappropriate use of a facility that is primarily a rural village store and Post Office; especially when the village pub is empty and unused. The Shop/Post Office is close to the Primary Academy and Pre-School and could have adverse impacts on the children.

Being a rural village, the roads are already inappropriate for the current traffic loads (cars, heavy tractors and very large lorries). Add to this the lack of adequate parking which will only be exacerbated by 90 new houses and a Community Centre to be built on the opposite side of the road.

The main concern is the lack of detail in the application, it appears no thought has been given to the practicality and the PC is left with no idea of what the operation will do.

Unfortunately, although the project appears to be an asset, without details of the intention the PC can only assume the difficulties it may cause and, therefore, cannot support the application.



Application for grant of a premises licence in respect of 'Novellos Pool Bar & Sports Loft, 57 Commercial Street, Hereford, HR1 2DJ – Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 16 January 2023

Report by: Principal Licensing Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford - Central

Purpose

To consider an application for a grant of a premises licence in respect of Novellos Pool Bar & Sports Loft under the Licensing Act 2003.

Recommendation(s)

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:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Further information on the subject of this report is available from
Principal Licensing Officer, 01432 261761, email: licensing@herefordshire.gov.uk

Alternative 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 refuse the application

Key considerations

Licence Application

2. The application for the grant of a premises licence has received relevant representations and is therefore brought before the sub-committee for determination.
3. Herefordshire Council Statement of Licensing Policy 2020 to 2025 states “All representation must be ‘relevant’, for example they must be about the likely effect of the grant of the application”. This followed paragraph 8.57 in the s182 Guidance which uses the same wording.
4. The details of the application are:

Applicant	John Meredith & Danny Gagg
Agent	Not Applicable

Type of application:	Date received:	28 Days consultation ended:
Grant	22 November 2022	20 December 2022
	28 day consultation started:	
	23 November 2022	

Summary of Application

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

Live Music (Indoors)

Friday & Saturday 17:00 – 01:00

Recorded Music (Indoors) & Sale/Supply of Alcohol (for consumption off the premises)

Monday – Wednesday 12:00 – 23:30

Thursday 12:00 – 00:00

Friday 12:00 – 01:00

Saturday 10:00 – 01:00

Sunday 10:00 – 23:00

Late Night Refreshment (Indoors)

Monday – Wednesday 23:00 – 23:30

Thursday 23:00 – 00:00

Friday 23:00 – 01:00

Saturday 23:00 – 01:00

Non-Standard Timings (for all licensable activities listed above)

Bank Holiday Sunday & Monday and Christmas Eve until 01:00

New Year's Eve from until 02:00

The proposed Designated Premises Supervisor (DPS), John Meredith has not been granted a personal licence by their local authority at the time this report was produced

NB: Under the Live Music Act 2012 (as amended), an alcohol licenced premises can have live and/or recorded music from 08:00 – 23:00 for up to 500 people, without the need for these activities to be on a premises licence

Late Night Refreshment (sale/supply of hot food and/or hot drinks) is only applicable between Monday - Sunday 23:00 – 05:00

Summary of Representations

6. One (1) objection has been received from a responsible authority – West Mercia Police (Appendix 2).

7. Two (2) representations have been received from responsible authorities, Trading Standards (appendix 3) and Environmental Health (appendix 4). These conditions have been agreed by the applicants and therefore their representations have been withdrawn.
8. One (1) relevant representation has been received from a member of the public in line with the licensing objectives that the Licensing Authority have accepted as being relevant. (Appendix 5).
9. One (1) representation was received from a member of the public which the Licensing Authority has deemed not relevant due to being submitted anonymously. *The act states: You must make your representation in writing including your name, address and contact details*

Community impact

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

Environmental Impact

11. 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

12. 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.
13. There are no equality issues in relation to the content of this report.
 14. 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.
 15. 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

16. 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

17. There are unlikely to be any financial implications for the council as Licensing 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: -
22. 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.
23. 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.
24. 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'.

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

Right of Appeal

26. Schedule 5 Part 1 of the Licensing Act 2003 gives a right of appeal which states:
Decision to grant premises licence or impose conditions etc.
- (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

29. 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
- Appendix 4 – Environmental Health representation
- Appendix 5 – Public Representation

Background papers

None Identified

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. 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.

We JOHN MEREDITH / DANNY GAGG

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
NOVELLO'S POOL BAR AND SPORTS LOFT 57 COMMERCIAL STREET			
Post town	HEREFORD	Postcode	HR1 2DJ

Telephone number at premises (if any)	AWAITING PHONE LINE CONNECTION
Non-domestic rateable value of premises	£5,504

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | | |
|-----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| i | as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii | as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii | as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv | other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MEREDITH			First names JOHN LLOYD		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A new sports bar opening in a pre-existing venue which used to be a bar. It will be a Pool venue with a bar with occasional live music and recorded music which will be indoors ONLY.

The Sports bar will be located on the first floor of the building only and will have a smoking area at the front which will have two tables and a maximum of 8 chairs for people to sit around to have drinks.

No alcohol will be served/sold outside.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

X

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri	17:00	01:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
	PM	AM			
Sat	17:00	01:00	BANK HOLIDAY SUNDAY AND MONDAY AND CHRISTMAS EVE FROM 11pm UNTIL 1am		
	PM	AM			
Sun			NEW YEARS EVE FROM 11:00pm UNTIL 2am		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Mon	12:00	11:30	Please give further details here (please read guidance note 4)			
	PM	PM				
Tue	12:00	11:30				
	PM	PM				
Wed	12:00	11:30		State any seasonal variations for the playing of recorded music (please read guidance note 5)		
	PM	PM				
Thur	12:00	12:00				
	PM	AM				
Fri	12:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
	PM	AM				
Sat	10:00	01:00		BANK HOLIDAY SUNDAY AND MONDAY AND CHRISTMAS EVE FROM 11pm UNTIL 1am		
	AM	AM				
Sun	10:00	11:00		NEW YEARS EVE FROM 11:00pm UNTIL 2am		
	AM	PM				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
				Both	<input type="checkbox"/>		
Mon	12:00	23:30	<u>Please give further details here</u> (please read guidance note 4)				
	PM	PM					
Tue	12:00	23:30					
	PM	PM					
Wed	12:00	23:30		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
	PM	PM					
Thur	12:00	00:00					
	PM	AM					
Fri	12:00	01:00			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
	PM	AM					
Sat	10:00	01:00					
	AM	AM				BANK HOLIDAY SUNDAY AND MONDAY AND CHRISTMAS EVE FROM 11pm UNTIL 1am	
Sun	10:00	11:00					
	AM	PM	NEW YEARS EVE FROM 11:00pm UNTIL 2am				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	11:30			
	PM	PM			
Tue	12:00	11:30			
	PM	PM			
Wed	12:00	23:30			
	PM	PM			
Thur	12:00	00:00			
	PM	AM			
Fri	12:00	01:00			
	PM	AM			
Sat	10:00	01:00			
	PM	AM			
Sun	10:00	11:00			
	AM	PM			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			BANK HOLIDAY SUNDAY AND MONDAY AND CHRISTMAS EVE FROM 11pm UNTIL 1am		
			NEW YEARS EVE FROM 11:00pm UNTIL 2am		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		JOHN MEREDITH
Date of birth		██████████
Address		████████████████████ ██████████
Postcode	██████████	
Personal licence number (if known)		████████████████████
Issuing licensing authority (if known)		HEREFORDSHIRE COUNCIL



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

GAMING MACHINES WILL BE ON THE PREMESIS

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	11:30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>BANK HOLIDAY SUNDAY AND MONDAY AND CHRISTMAS EVE UNTIL 1am</p> <p>NEW YEARS EVE UNTIL 2am</p>
	PM	PM	
Tue	12:00	11:30	
	PM	PM	
Wed	12:00	11:30	
	PM	PM	
Thur	12:00	00:00	
	PM	AM	
Fri	12:00	01:00	
	PM	AM	
Sat	10:00	01:00	
	PM	AM	
Sun	10:00	11:00	
	AM	PM	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

- WE INTEND TO JOIN THE H.A.N.D BAN FOR LICENCED PREMESIS IN HEREFORD
- FULL CCTV WILL BE IN OPERATION AT ALL TIMES
- S.I.A DOOR STAFF WILL BE USED IF NECESSARY
- AN INCIDENT LOG WILL BE KEPT BEHIND THE BAR WHICH WILL INCLUDE ALL CRIMES REPORTED OR ANY INCIDENTS OF DISORDER
- STAFF TRAINING IN RELATION TO 'CHALLENGE 25' SCHEME

c) Public safety

- STAFF WILL BE TRAINED FIRST AIDERS
- FIRST AID KIT BEHIND THE BAR AT ALL TIMES
- FULL CCTV THROUGHOUT THE PREMESIS AND ON THE DOOR

d) The prevention of public nuisance

- WE WOULD WISH TO JOIN THE H.A.N.D BAN LIST FOR ALL LICENCED PREMESIS
- KEEP NOISE TO A MINIMUM
- ENSURE OUR PREMESIS ARE VACATED BY THE PUBLIC AS STATES IN OUR LICENCING AGREEMENT
- NOTICES ON EXITS OF PREMESIS ADVISING CUSTOMERS TO LEAVE QUIETLY AND TO RESPECT ANY RESIDENTIAL PROPERTIES IN REGARDS TO NOISE

e) The protection of children from harm

- WE WOULD STIPULATE THAT ALL UNDER 11'S ARE ACCOMPANIED BY AN ADULT WHEN ON THE PREMESIS
- WE WOULD NOT LET ANY UNDER 16 YEAR OLDS STAY IN THE PREMESIS AFTER 8PM UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT (WITH THE EXCEPTION OF PRIVATE FUNCTIONS)
- 'CHALLENGE 25' POLICY WILL BE OPERATION
- A REFUSALS REGISTER WILL BE KEPT BEHIND THE BAR TO LIST ALCOHOL REFUSALS. THE REGISTER WILL CONTAIN DATE, TIME, DESCRIPTION OF PERSON/S INVOLVED, REASON FOR REFUSAL AND STAFF MEMBERS INITIALS

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X

- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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

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.


Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [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)
Signature	[REDACTED]

Date	23/10/2022
Capacity	Joint Manager

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	23/10/2022
Capacity	Joint Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 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:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - 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:
 - 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.
 - 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.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

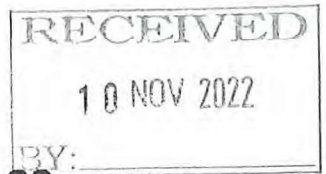
Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card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

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

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

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

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



Consent of individual to being specified as
premises supervisor

|

JOHN LLOYD MEREDITH

| [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

| PREMISES LICENCE GRANT
[type of application]

by

| JOHN MEREDITH AND DANNY GAGG
[name of applicant]

|

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

for

NOVELLO'S POOL BAR AND SPORTS LOFT
57 COMMERCIAL STREET,
HEREFORD, HR1-2DJ

[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

JOHN MEREDITH + DANNY GAGG

[name of applicant]

concerning the supply of alcohol at

NOVELLO'S POOL BAR AND SPORTS LOFT
57 COMMERCIAL STREET
HEREFORD, HR1-2DJ

[name and address of premises to which application relates]

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]

HEREFORDSHIRE COUNCIL

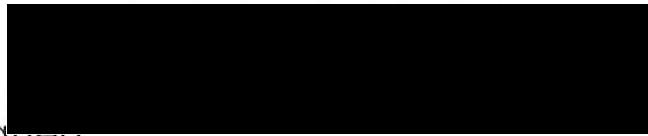
Personal licence issuing authority

█

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

□

Signed



□

JOHN MEREDITH

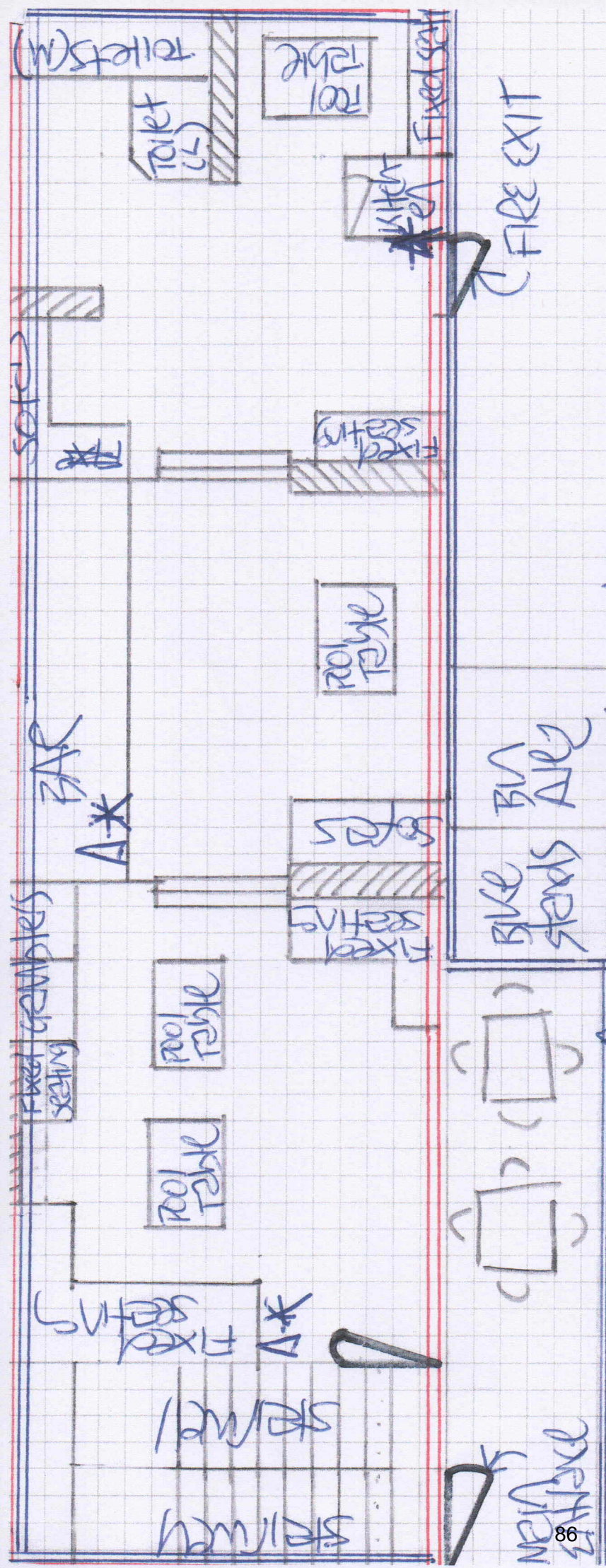
Name (please print)

□


08/11/2022

Date





Key:

- = LICENSEABLE AREA
- = CONSUMPTION AREA
- Δ = CO2 EXTINGUISHER
- ∇ = WATER EXTINGUISHER
- \blacktriangledown = DOOR WELLS
-  = WELLS

Address: NOVELLO'S POOL BAR AND SPORTS LOFT
 51 COMMERCIAL STREET, HEREFORD
 HR1-2DJ

PLEASE NOTE: THIS VENTURE IS SITUATED ON THE 1ST FLOOR OF THE BUILDING



WEST MERCIA POLICE OBJECTION – NOVELLOS POOL BAR & SPORTS LOFT – 19.12.2022

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a Grant of a premises licence in respect of 'Novellos Pool Bar & Sports Loft at 57 Commercial Street, Hereford. HR1 2DJ.

The applicants are John Meredith and Danny Gagg with the proposed Designated Premises Supervisor listed as John Meredith

It is noted on the application that Mr Meredith does not currently hold a personal licence with a licensing authority.

Due to information listed on the Police National Computer (PNC) in regards to the applicant, West Mercia Police object to the Grant of a Premises Licence.

It is the opinion of West Mercia Police that granting a premises licence would undermine the Licensing Objective, Prevention of Crime & Disorder.

If this matter proceeds to a licensing hearing, then West Mercia Police will provide the information required to support this objection

Regards

[Redacted signature]

MATES/Licensing/Dedicated Football Officer/Covid Bronze Officer

Harm Hub Hereford Police Station

[Redacted line]

[Redacted line]

[Redacted line]

Trading Standards Rep – Novello’s Pool Bar & Sports Loft 21.11.2022

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a review of a premise licence in respect of Novello’s Pool Bar & Sports Loft

If the applicant agrees to the below conditions being put onto the premises licence, Trading Standards will withdraw their objection

Prevention of Crime and Disorder

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 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.

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 an authorised person’ (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

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 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.

All under 11’s are to be accompanied by an individual aged 18yrs or over at all times, when on the premises.

No under 16’s will be allowed on the premises after 20:00hrs unless accompanied by a responsible adult aged 18yrs or over (with the exception of private functions)

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

Trading Standards Practitioner
Herefordshire Trading Standards Service

MEMORANDUM

To : LICENSING OFFICER

From : ENVIRONMENTAL HEALTH

Tel : 01432 261761 My Ref : ATR/369019/

Date : 07/12/2022 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
57 Commercial Street, Hereford, Herefordshire, HR1 2DJ**

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER none	
PUBLIC SAFETY none	
PREVENTION OF PUBLIC NUISANCE Noise or vibration shall not emanate from the premises so as to cause a nuisance. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.	
PROTECTION OF CHILDREN FROM HARM none	

REFERENCES

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

**ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

MEMORANDUM

To : LICENSING OFFICER

From :

Tel : My Ref : PR02020

Date : 19th December 2022 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR GRANT OF PREMISES LICENCE
NOVELLO'S POOL BAR & SPORTS LOFT**

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE	
PROTECTION OF CHILDREN FROM HARM We are very concerned with this premises being used for this purpose. Close House has been supporting vulnerable teenagers in a Safe, Supportive and Inspiring environment for nearly 20 years, and is next door to the proposed 'Novello's' re-opening. We are concerned with: the proximity of the premises to Close House Youth Centre (next door), especially as our teens would have to walk past the entrance way and smoking area of Novello's to access Close House. <ul style="list-style-type: none">• The Vulnerability of our young people to underage drinking and (reputed) narcotic use, especially as many of our young people have grown up in houses with problem drink or drug use, and will have suffered many related traumas.• A portion of our young people have grown up with previous physical and emotional harm from adults, and will be afraid of walking past the Novello's entrance / smoking area	

because of the proximity to unknown and unsupervised adults.

- the local reputation/memory of the brand name “Novello’s” as a notorious under-age drinking establishment. Our young people have already repeated their parent’s stories – “Oh, I used to drink there when I was skipping school”.
- The safety of our young people who are vulnerable to Child Sexual Exploitation and Child Criminal Exploitation, especially as they come to Close House for a safe haven or following referrals based on their vulnerability.
- the reputation of the proprietor’s links to illegal narcotics,
- the reputed violence associated with their previous establishment, the Snooker Centre,

It would be impossible for us to run a youth centre, Talk Community Centre, Holiday provision or drop-in space next door to such an establishment with good conscience.