

Agenda

Licensing sub-committee

Date: **Thursday 2 February 2023**

Time: **10.00 am**

Place: **Online meeting**

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

For any further information please contact:

Sarah Buffrey

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Email: sarah.buffrey@herefordshire.gov.uk

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

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Paul Andrews (chairperson)

Councillor Polly Andrews

Councillor Clare Davies

Agenda

	Pages
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 - 54
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.	

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YOU HAVE A RIGHT TO: -

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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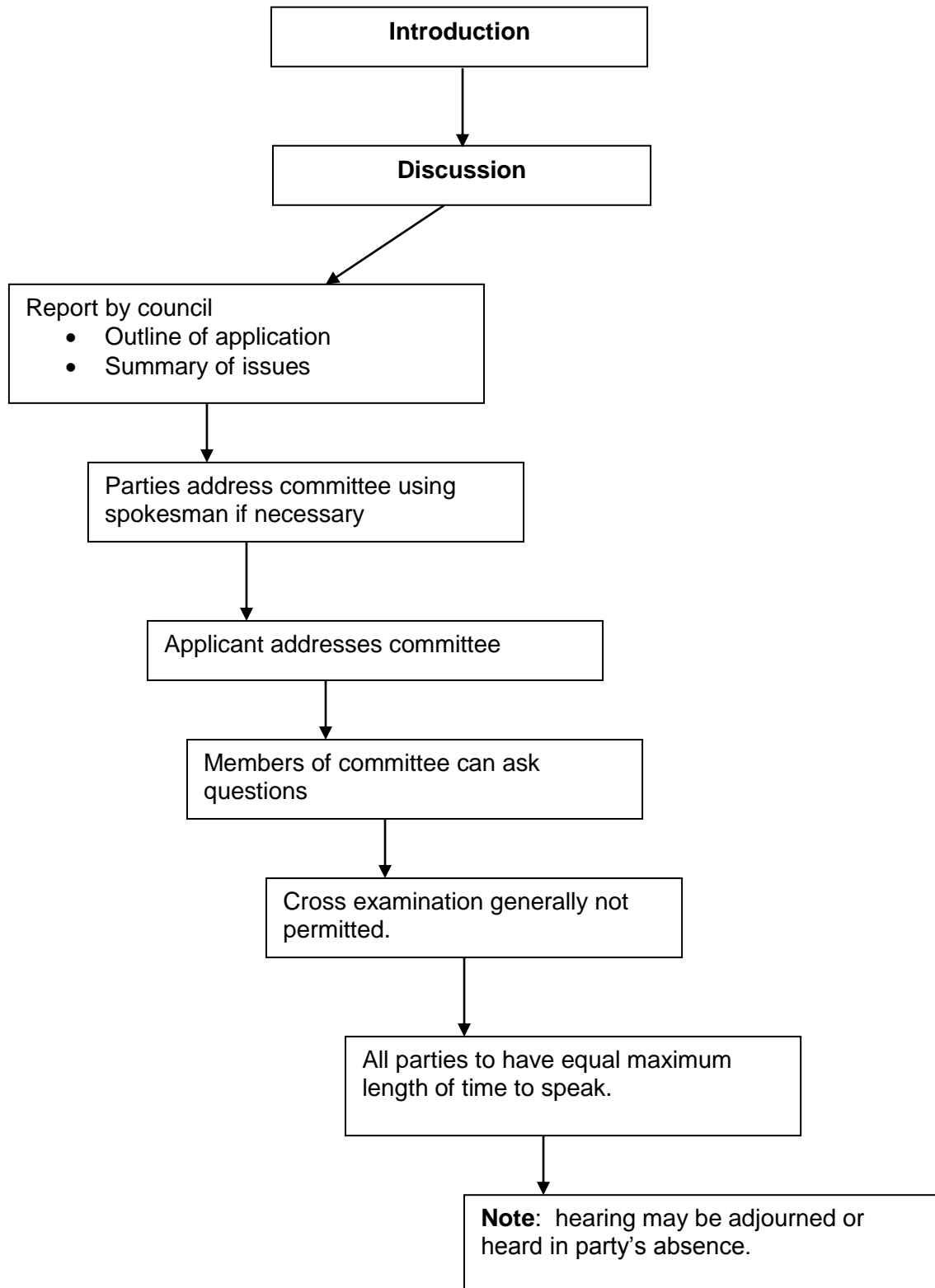
Please also note that other attendees are permitted to film, photograph and record our public meetings provided that it does not disrupt the business of the meeting.

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Licensing Hearing Flowchart



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

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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



Title of report: Application 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: Thursday 2 February at 10:00am

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: Grant	Date received: 18 November 2022 28 day consultation started: 19 November 2022	28 Days consultation ended: 16 December 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, however, since the report was published for 16 January 2023 hearing, West Mercia Police have withdrawn their objection based on a set of conditions agreed with the applicant (Appendix 4).
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 5)
8. Two (2) relevant representations have been received from members of the public that the licensing authority have accepted as being relevant. (Appendix 6).

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.
12. This application was heard before the licensing sub-committee on 16 January 2023, where a determination could not be made and the sub-committee decided a site visit would be required before any decision was made.
13. The site visit will take place on 26 January 2023.

Community impact

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

Environmental Impact

15. 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

16. 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.
17. There are no equality issues in relation to the content of this report.
18. 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.
19. 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

20. 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

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

Legal implications

22. 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.
23. The Licensing Authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the Licensing Authority are set out in section 1 of this report.
24. 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.
25. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
26. A Licensing Authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
27. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
28. 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'.
29. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

30. Schedule 5 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 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. —
 - (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).
31. 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

32. 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

33. 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 – West Mercia Police Accepted Conditions
Appendix 5 – Trading Standards representation
Appendix 6 – 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					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			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)		
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					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur			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)		
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)			Indoors <input type="checkbox"/>
Day	Start	Finish	
Mon			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)
Tue			
Wed			Please give further details here (please read guidance note 5)
Thur			
Fri			State any seasonal variations for the performance of dance (please read guidance note 6)
Sat			
Sun			
			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 (please read guidance note 7)

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			<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)		
Thur					
Fri			<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)		
Sat					
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

<p>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).</p> <p>None</p>
--

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	
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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:

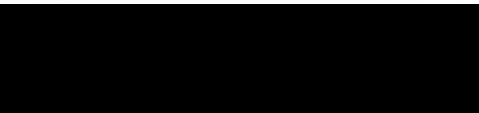
Please tick to indicate agreement

- 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.**

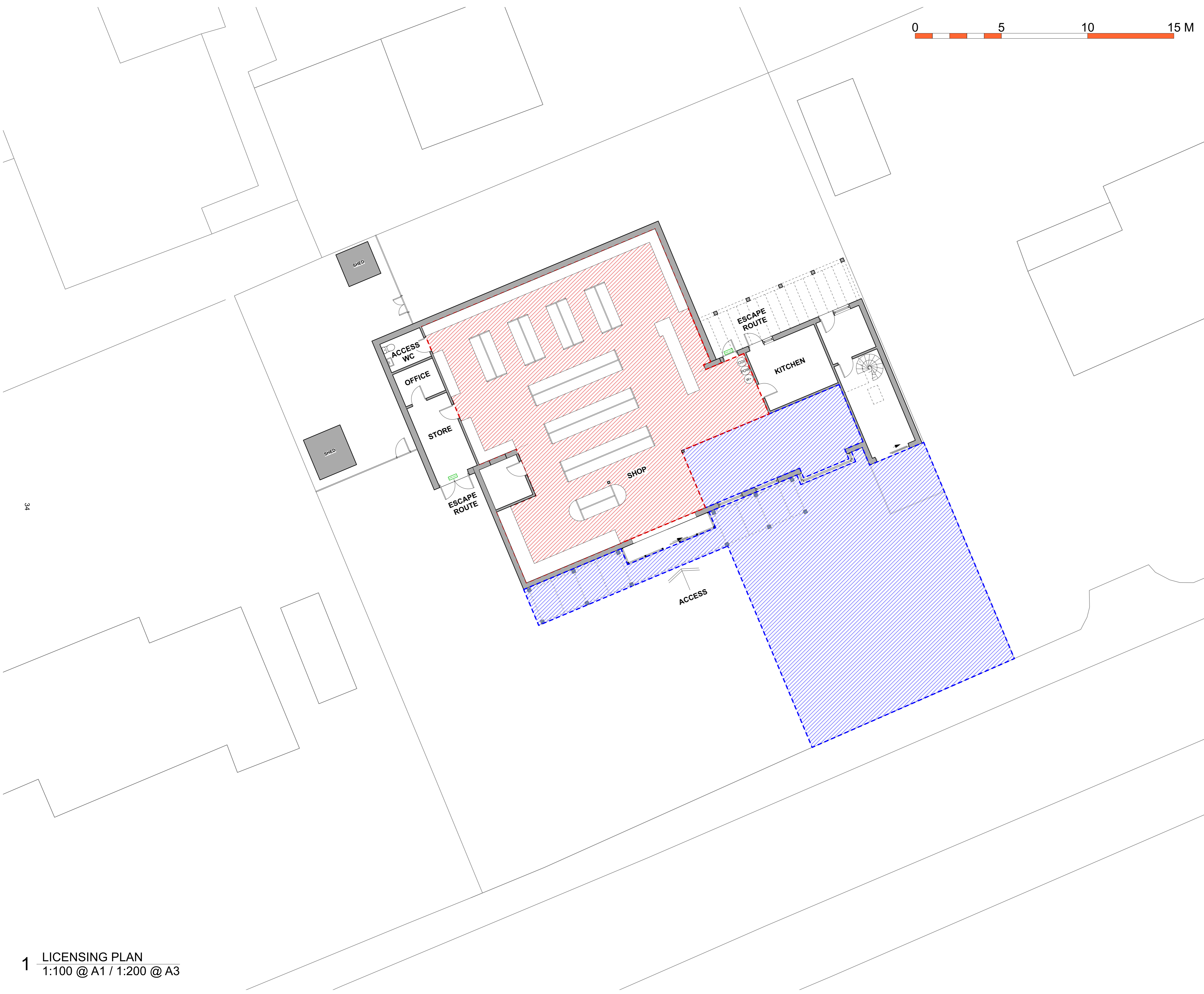
Signature	
Date	8/11/2022
Capacity	Current Licence Holder

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.**

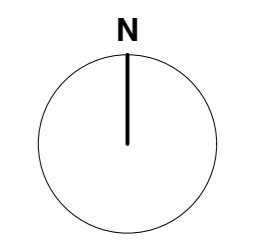
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

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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- 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



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

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence 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
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Licensable activities authorised by the licence 1. Sale by retail of alcohol
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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
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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]

West Mercia Police Agreed Conditions

I am an officer authorised under the Licensing Act 2003.

I refer to the application made to Vary a premises licence in respect of Marden Post Office

The below conditions have been agreed with West Mercia Police and the applicant

General

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or another responsible named individual. An operational weekly log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 101 immediately.

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

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

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB Level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. 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.

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

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

- Selling to drunks

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

Public Safety

First aid

A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept within the area for sale of alcohol. Such kit shall contain:

1 x Guidance Leaflet
60 x Washproof Plasters
6 x Eye Pads with Bandage
8 x Triangular Bandages
12 x Safety Pins
16 x Assorted Sterile Dressings
20 Moist Wipes
3 Pairs Disposable Gloves

Prevention of Public Nuisance

Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables

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

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

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).

██████████

██████████

MATES/Licensing 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 .

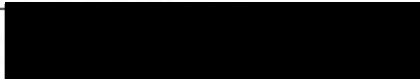
A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<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:



Date:

12th Dec. 2022

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.

