

Agenda

Licensing sub-committee

Date: Thursday 16 March 2023

Time: **11.45 am**

Place: Online Meeting

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

For any further information please contact:

Sarah Buffrey

Tel: 01432260176

Email: sarah.buffrey@herefordshire.gov.uk

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

Herefordshire Council 16 MARCH 2023

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 GRANT OF A PREMISES LICENCE IN RESPECT OF 'LIDL, BELMONT ROAD, HEREFORD. HR2 7BP - LICENSING ACT 2003

11 - 44

Pages

To consider an application for a grant of a premises licence in respect of Lidl, Belmont Road, Hereford. HR2 7BP under the Licensing Act 2003.

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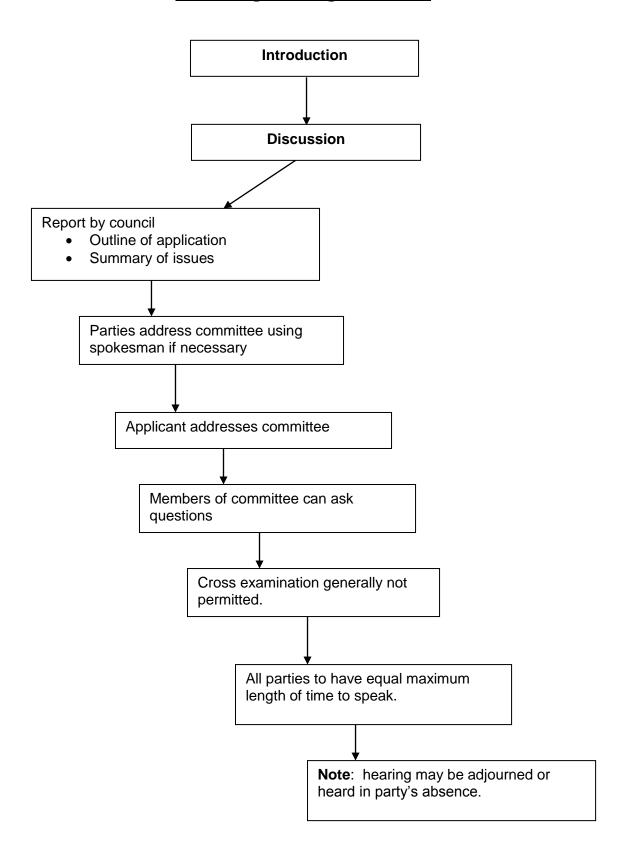
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If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

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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.



Application for a grant of a premises licence in respect of 'Lidl, Belmont Road, Hereford. HR2 7BP – Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Thursday 16 March 2023

Report by: Senior Technical Licensing Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Belmont - Rural

Purpose

To consider an application for a grant of a premises licence in respect of Lidl, Belmont Road, Hereford. HR2 7BP 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,
 - 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	Lidl Great Britain Limited	
Agent	Not Applicable	
Type of application:	Date received:	28 Days consultation ended:
Grant	18 January 2023	15 February 2023
	28 day consultation started:	
	19 January 2023	

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:

Sale/Supply of Alcohol (consumption off the premises)

Monday - Sunday 07:00 - 23:00

Summary of Representations

- 6. Two (2) representations have been received from responsible authorities Trading Standards (Appendix 2) and West Mercia Police (Appendix 3).
- 7. Trading Standards have agreed part of their representation with the applicant, though there is still a dispute over the requirement for a refusals register.
- 8. Conditions requested by West Mercia Police have not been agreed.

Community impact

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

Environmental Impact

10. 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

11. 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.

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

Resource implications

15. 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

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

Legal implications

- 17. 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.
- 18. 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.
- 19. 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.
- 20. 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: -

- 21. A Licensing Authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
- 22. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
- 23. This 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'.
- 24. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

25. Schedule 5 Part 1 of the Licensing Act 2003 gives a right of appeal which states:

Rejection of application relating to premises licences

- 1. Where a licencing authority-
 - (a) Rejects an application for a premises licence under section 18

The applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2. (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).
- 26. 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

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

Consultees

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

Appendices

Appendix 1 - Application Form

Appendix 2 – Trading Standards Representation

Appendix 3 – West Mercia Police Representation

Background papers

None Identified

<u>licensing@herefordshire.gov.uk</u> Telephone: 01432 261761

* required information

Section 1 of 21		
You can save the form at any t	ime and resume it later. You do not need to b	e logged in when you resume.
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	2090	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on be O Yes	half of the applicant? Io	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Applicant Details		
* First name	Beckie	
* Family name	Bough	
* E-mail	licensing@lidl.co.uk	
Main telephone number	0117 428 0315	Include country code.
Other telephone number		
☐ Indicate here if you would prefer not to be contacted by telephone		
Are you:		
Applying as a business or organisation, including as a sole traderApplying as an individual		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
Applicant Business		g v v v y
Is your business registered in the UK with Companies House?	YesNo	Note: completing the Applicant Business section is optional in this form.
Registration number	02816429	
Business name Lidl Great Britain Limited		If your business is registered, use its registered name.
VAT number GB	350396892	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	

0 11 15		
Continued from previous page		1
Your position in the business	Licensing Consultant	
Home country	United Kingdom	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	Lidl House, 14	
Street	Kingston Road	
District		
City or town	Surbiton	
County or administrative area		
Postcode	KT5 9NU	
Country	United Kingdom	
Section 2 of 21		
PREMISES DETAILS		
	ply for a premises licence under section 17 of the premises) and I/we are making this application the Licensing Act 2003.	
Premises Address		
Are you able to provide a posta	al address, OS map reference or description of t	he premises?
AddressOS ma	p reference O Description	
Postal Address Of Premises		
Building number or name	Lidl Great Britain Limited	
Street	Belmont Road	
District		
City or town	Hereford	
County or administrative area		
Postcode	HR2 7BP	
Country	United Kingdom	
Further Details		
Telephone number		
Non-domestic rateable value of premises (£)	116,500	

	on 3 of 21			
	LICATION DETAILS			
In wr	. 3 33	ng for the premises licence?		
	An individual or individua	als		
\boxtimes	A limited company / limit	ed liability partnership		
	A partnership (other than	limited liability)		
	An unincorporated assoc	iation		
	Other (for example a state	utory corporation)		
	A recognised club			
	A charity			
	The proprietor of an educ	cational establishment		
	A health service body			
	A person who is registere	d under part 2 of the Care Standards Act		
Ш	2000 (c14) in respect of a	n independent hospital in Wales		
	Social Care Act 2008 in re	d under Chapter 2 of Part 1 of the Health and spect of the carrying on of a regulated ing of that Part) in an independent hospital in		
	The chief officer of police	of a police force in England and Wales		
Conf	firm The Following			
\boxtimes	I am carrying on or propo the use of the premises fo	osing to carry on a business which involves or licensable activities		
	I am making the applicati	on pursuant to a statutory function		
	I am making the applicati virtue of Her Majesty's pre	on pursuant to a function discharged by erogative		
Secti	on 4 of 21			
NON	INDIVIDUAL APPLICANT	<u>S</u>		
	<u> </u>	ddress of applicant in full. Where appropriate give any registered number. In the case of a ure (other than a body corporate), give the name and address of each party concerned.		
Non	Individual Applicant's Na	ame		
Nam	e	Lidl Great Britain Limited		
Deta	ails			
_	stered number (where icable)	02816429		
Desc	Description of applicant (for example partnership, company, unincorporated association etc)			

Continued from previous page		
Limited Company		
Address		
Building number or name	Lidl House, 14	
Street	Kingston Road	
District		
City or town	Surbiton	
County or administrative area		
Postcode	KT5 9NU	
Country	United Kingdom	
Contact Details		
E-mail	licensing@lidl.co.uk	
Telephone number	0117 428 0315	
Other telephone number		
* Date of birth	dd mm yyyy	
* Nationality		Documents that demonstrate entitlement to work in the UK
	Add another applicant	
Section 5 of 21		
OPERATING SCHEDULE		
When do you want the premises licence to start?	15 / 02 / 2023 dd mm yyyy	
If you wish the licence to be valid only for a limited period, when do you want it to end	dd mm yyyy	
Provide a general description of	of the premises	
licensing objectives. Where you	ses, its general situation and layout and any oth ur application includes off-supplies of alcohol a plies you must include a description of where th	nd you intend to provide a place for
Supermarket		

Continued from previous page	
If 5,000 or more people are	
expected to attend the premises at any one time,	
state the number expected to	
attend	
Section 6 of 21	
PROVISION OF PLAYS	
See guidance on regulated ent	rertainment remains a second of the second o
Will you be providing plays?	
○ Yes	○ No
Section 7 of 21	
PROVISION OF FILMS	
See guidance on regulated ent	ertainment
Will you be providing films?	
○ Yes	○ No
Section 8 of 21	
PROVISION OF INDOOR SPOR	RTING EVENTS
See guidance on regulated ent	ertainment
Will you be providing indoor sp	porting events?
○ Yes	○ No
Section 9 of 21	
PROVISION OF BOXING OR W	RESTLING ENTERTAINMENTS
See guidance on regulated ent	ertainment
Will you be providing boxing of	or wrestling entertainments?
○ Yes	○ No
Section 10 of 21	
PROVISION OF LIVE MUSIC	
See guidance on regulated ent	ertainment
Will you be providing live mus	ic?
○ Yes	○ No
Section 11 of 21	
PROVISION OF RECORDED M	USIC
See guidance on regulated ent	ertainment
Will you be providing recorded	d music?
○ Yes	○ No
Section 12 of 21	
PROVISION OF PERFORMANC	ES OF DANCE
See guidance on regulated ent	ertainment
Will you be providing performa	ances of dance?

21

Continued from previous	page		
Section 13 of 21			
PROVISION OF ANYTH DANCE	ING OF A SIMILAR DESCR	IPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES	OF
See guidance on regula			
will you be providing a performances of dance	nything similar to live musi ?	c, recorded music or	
○ Yes	○ No		
Section 14 of 21			
LATE NIGHT REFRESH	MENT		
Will you be providing la	ate night refreshment?		
○ Yes	○ No		
Section 15 of 21			
SUPPLY OF ALCOHOL			
Will you be selling or su	upplying alcohol?		
Yes	○ No		
Standard Days And Ti	mings		
MONDAY		Give timings in 24 hour clock.	
	Start 07:00	End 23:00 (e.g., 16:00) and only give details for	
	Start	of the week when you intend the pre to be used for the activity.	mises
TUESDAY		,	
	Start 07:00	End 23:00	
	Start	End	
MEDNICO	Start	End	
WEDNESDAY			
	Start 07:00	End 23:00	
	Start	End	
THURSDAY			
	Start 07:00	End 23:00	
	Start	End	
FRIDAY			
	Start 07:00	End 23:00	
	Start	End	
CATURDAY	Start	Liid	
SATURDAY	0	F	
	Start 07:00	End 23:00	
	Start	End	

Continued from previous page			
SUNDAY			
Start	07:00	End 23:00	
Start		End	
Will the sale of alcohol be for c	consumption:		If the sale of alcohol is for consumption on
On the premises	• Off the premises \bigcirc	Both	the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.
State any seasonal variations			
For example (but not exclusive	ely) where the activity will occu	ır on additional da	ys during the summer months.
Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.			
en enampre (carrier enclaer ery), innere you men are assimly to go en renger en a particular any erg, en membre 2001.			
State the name and details of t licence as premises supervisor	the individual whom you wish	to specify on the	
Name			
First name	Rebecca		
Family name	Bough		
Date of birth	dd mm yyyy		

Continued from previous page.	··
Enter the contact's address	
Building number or name	
Street	
District	
City or town	
County or administrative are	
Postcode	
Country	
Personal Licence number (if known)	
Issuing licensing authority (if known)	North Somerset Council
PROPOSED DESIGNATED PR	EMISES SUPERVISOR CONSENT
How will the consent form of be supplied to the authority?	the proposed designated premises supervisor
Electronically, by the pr	oposed designated premises supervisor
 As an attachment to the 	s application
Reference number for conser form (if known)	If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.
Section 16 of 21	
ADULT ENTERTAINMENT	
premises that may give rise to Give information about anytherise to concern in respect of of	ment or services, activities, or other entertainment or matters ancillary to the use of the o concern in respect of children ning intended to occur at the premises or ancillary to the use of the premises which may give children, regardless of whether you intend children to have access to the premises, for example r semi-nudity, films for restricted age groups etc gambling machines etc.
Section 17 of 21	LTO THE DUDI IO
HOURS PREMISES ARE OPER	
Standard Days And Timing)
MONDAY Star Star	of the week when you intend the premises

Continued from previous page			
TUESDAY			
Start	07:00	End 23:00	
Start	:	End	
WEDNESDAY			
Start	07:00	End 23:00	
Start	:	End	
THURSDAY			
Start	07:00	End 23:00	
Start		End End	
	,	LIIU	
FRIDAY	07.00	5 1 00 00	
Start		End 23:00	
Start		End	
SATURDAY			
Start	07:00	End 23:00	
Start		End	
SUNDAY			
Start	07:00	End 23:00	
Start		End	
State any seasonal variations			
-	vely) where the activity will occ	ur on additional days during the summer months.	
		, ,	
<u> </u>			
Non standard timings. Where those listed in the column on		s to be open to the members and guests at different times from	
		tuto ao an langar an a nartigular day a a Christmas Fus	
For example (but not exclusive	ery), where you wish the activi	ty to go on longer on a particular day e.g. Christmas Eve.	
Section 18 of 21			
LICENSING OBJECTIVES			
	d to take to promote the four lie	censing objectives:	
a) General – all four licensing	objectives (b,c,d,e)	25	

List here steps you will take to promote all four licensing objectives together.

- Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Staff will also be trained to recognise the signs of proxy purchases.
- Records will be kept of such training for the member of staff who has received that training.
- All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training.
- Confirmation of training can be made available to the Licensing Authority or Police within 7 days of a request.
- Any person found to be in breach of the Company alcohol policy is subject to disciplinary proceedings
- b) The prevention of crime and disorder
- The operators of the premises will maintain a good relationship with the local police and other relevant authorities
- A comprehensive digital CCTV system to be installed internally giving storage of images for a period of not less than 28 days Images can be provided on to removable media to authorised bodies with 48 hours notice
- c) Public safety
- Fire safety equipment is provided at the premises, and staff are trained on the use of this equipment
- d) The prevention of public nuisance
- Alcohol will not be sold in an open container and the consumption of alcohol on the premises will not be permitted
- e) The protection of children from harm

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

- In the event that an employee suspects that a person attempting to purchase alcohol is under the age of 25, is a street drinker or is attempting a proxy purchase they will immediately call the duty manager. The duty manager will make appropriate enquiries and will determine whether the sale should be permitted.
- 'Challenge 25' posters shall be displayed in prominent positions at the premises.
- An automated till prompt will be set up so that the operator has to positively confirm that Challenge 25 has been complied with when the first item of alcohol has been scanned.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay
 indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK
 with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or
 reasonable evidence that the person has an appeal or administrative review pending on an immigration
 decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but
 who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in
 the UK including:-
 - evidence of the applicant's own identity such as a passport,
 - evidence of their relationship with the European Economic Area family member e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Home Office online right to work checking service

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

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

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

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

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

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/ business rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

450.00

DECLARATION

- I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.
- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I
- understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	Beckie Bough
* Capacity	Licensing Consultant
* Date	13 / 01 / 2023
	dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

- 1. Save this form to your computer by clicking file/save as...
- 2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/apply-1 to upload this file and continue with your application.

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

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

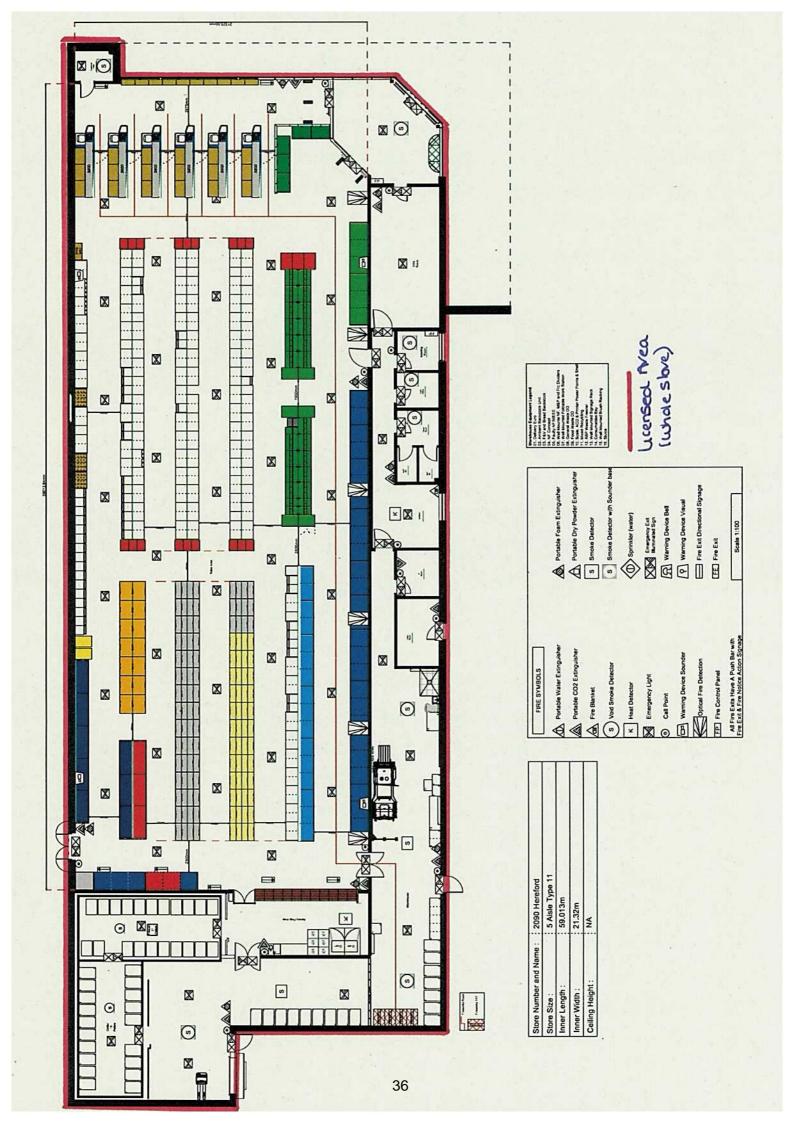
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY	
Applicant reference number	2090
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	
1 2 3 4	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next>

Consent of individual to being specified as premises supervisor

Rebecca Bough	
[full name of prospective prem	nises supervisor]
of	
[home address of prospective premis	es supervisor]
hereby confirm that I give my supervisor in relation to the app New Application	consent to be specified as the designated premises plication for
[type of application]	
by Lidl Great Britain Limited	
[name of applicant]	
relating to a premises licence	N/A [number of existing licence, if any]
for	
Lidl Great Britain Limited Belmont Road Hereford HR2 7BP	
Iname and address of premises to wh	nich the annlication relates!

and any premises licence by	e to be granted or varied in respect of this application made
Lidl Great Britain Limite	d
[name of applicant]	
concerning the supply of	alcohol at
Lidl Great Britain Limited Belmont Road Hereford HR2 7BP	d
[name and address of premise	es to which application relates]
	entitled to work in the United Kingdom and am applying for, irrently hold a personal licence, details of which I set out
Personal licence number	
[insert personal licence number	r, if any]
Personal licence issuing a	authority
North Somerset Council	
[insert name and address and t	elephone number of personal licence issuing authority, if any]
Signed	
Name (please print)	Rebecca Bough
Date	13.01.2023



TRADING STANDARDS REP - 02.02.2023

From:

Sent: 02 February 2023 16:01

To: Licensing licensing@herefordshire.gov.uk Subject: FW: Lidl, Belmont Road Application

Good afternoon,

Regarding the attached application, I would propose the standard conditions as listed below in relation to the Prevention of Crime and Disorder and Protection of Children from Harm.

I welcome the suggestion made by the applicant in relation to "Proxy Sales" in the section Protecting Children from Harm.

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.

In the event that an employee suspects that a person attempting to purchase alcohol is under the age of 25, is a street drinker, or is attempting a proxy purchase, they will immediately call the duty manager. The duty manager will make appropriate enquiries and will determine whether the sale should be permitted.

An automated till prompt will be set up so that the operator has to positively confirm that Challenge 25 has been complied with when the first item of alcohol has been scanned.

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

TRADING STANDARDS AMENDED REP - 14.02.2023

Sent: 14 February 2023 11:39 To: licensing@lidl.co.uk

Cc: Licensing licensing@herefordshire.gov.uk Subject: RE: Lidl Belmont Road Application

Good morning,.

I have read the content and would like to suggest the following.

Prevention of Crime and Disorder

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- a. Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- b. Refresher/reinforcement training at intervals of no more than 6 months.

All staff engaged or to be engaged in the sale of alcohol will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, to include the company's Challenge 25 policy, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training. Staff will also be trained to recognise the signs of proxy purchases. All training records will be kept centrally at the operator's head office or regional office as appropriate and made available to the Licensing Authority, Police or authorised Trading Standards Officer of Herefordshire council as soon as possible and in any event within 7 days of request.

No open containers will be sold from the premises.

Protection of Children from Harm

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

In the event that an employee suspects that a person attempting to purchase alcohol is under the age of 25, is a street drinker or is attempting a proxy purchase they will immediately call a Shift Manager. The Shift Manager will then make appropriate enquiries and will determine whether the sale should be permitted.

Challenge 25 posters shall be displayed in prominent positions at the premises. (namely till area and alcohol area)

The above conditions are identical to those currently on the licence for the Lidl store at Unit B, Brook Retail Park, Hereford. HR1 2BQ.

In relation to a Refusal Register, all new licences in the County have this recommended condition in relation to the Protection of Children From Harm.

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.

As such, I feel this condition must be included, and is proportionate.

Thank you

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



<u>MWEST MERCIA POLICE OBJECTION – LIDL, BELMONT ROAD, HEREFORD</u> <u>18.01.2023</u>

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 'Lidl, Belmont Road, Hereford'.

The applicants are Lidl Great Britain Limited with the proposed Designated Premises Supervisor listed as Rebecca Bough

It is disappointing to note that the applicant has not looked at Herefordshire Council's Licensing Policy 2020 – 2025 and the model pool of conditions

West Mercia Police do not object to this application, however they have the following representations to promote the licensing objectives and wish to see them applied to any premises licence granted to this location.

Prevention of Crime & Disorder

CCTV will be provided in the form of a recordable system, capable of providing images of evidential quality. Recordings shall be retained for as long as the system is able (whilst retaining the high-quality image) and in any event for a minimum of 28 days. The CCTV system will be installed internally at the premises giving coverage of the entrance and exit, alcohol and checkout areas and such system shall be maintained and fit for purpose. The CCTV system shall have a constant and accurate time and date generation. A notice will be displayed advising that CCTV is in operation. Lidl store management will be trained to view and download CCTV footage on receipt of an internal authorisation code. For urgent matters, at all times officers will be able to view CCTV footage to verify if a reported offence is covered and, whenever required, CCTV will be downloaded and made available to the officer as soon as reasonably practicable. For non-urgent matters, CCTV will be available to view and download at all times during normal office hours on receipt of an internal authorisation code or in any event within 48 hours. The recording equipment shall be kept in a secure environment under the control of the DPS /Store Manager or other responsible named individual.

The DPS will provide a written record of all persons authorised to sell alcohol on their behalf. Such record shall be signed by the DPS and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

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 (where relevant to licensing objectives)
- (b) any incidents of disorder ((where relevant to licensing objectives)



- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service (where relevant to licensing objectives)

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 one (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.

No open containers will be sold from the premises

Public Safety

Prevention of Public Nuisance

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

The premises and public areas nearby are kept free from litter associated with the operation of the business.

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 shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, 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 the required identification to prove their age. Such records shall be kept for a period of 12 months and will be checked on a weekly basis by the Designated Premises Supervisor or if the DPS is absent from the store by a member of the store's management team. The register will be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

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/Dedicated Football Officer/Covid Bronze Officer
Harm Hub Hereford Police Station

Regards