

Agenda

Licensing Sub-Committee

Date: **Monday 13 November 2023**

Time: **2.00 pm**

Place: **Online Meeting**

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

For any further information please contact:

Matthew Evans

Tel: 01432383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Matthew Evans on 01432383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing Sub-Committee

Membership

Councillor Polly Andrews (Chairperson)

**Councillor Clare Davies
Councillor Dave Davies
Councillor Stef Simmons**

Agenda

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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 items on the agenda.	
4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF NISA, 38 HIGH STREET, KINGTON, HR5 3BJ - LICENSING ACT 2003	11 - 46
To consider an application for a variation of a premises licence in respect of Nisa, 38 High Street, Kington, HR5 3BJ under the Licensing Act 2003.	
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To consider an application for a grant of a premises licence in respect of Skyblue Liquor, 60 Commercial Road, Hereford, HR1 2BP under the Licensing Act 2003.	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- 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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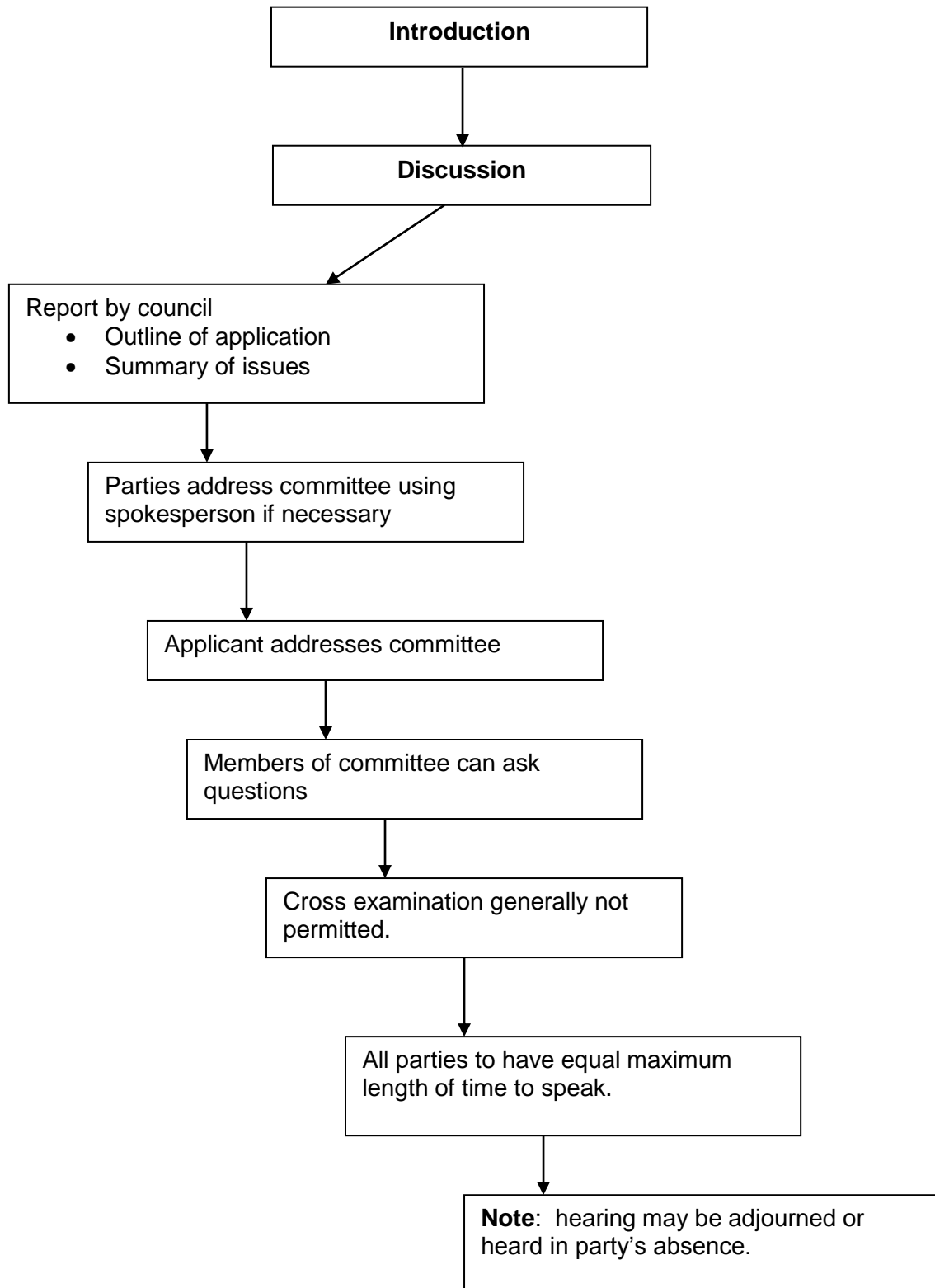
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Licensing Hearing Flowchart



**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 Nisa, 38 High Street, Kington, HR5 3BJ – Licensing Act 2003.

Meeting: Licensing sub-committee

Meeting date: Monday 13 November 2023 at 14:00hrs

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Kington

Purpose

To consider an application for a variation for a premises licence in respect of Nisa, 38 High Street, Kington. HR5 3BJ 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’s Statement of Licensing Policy 2020 to 2025 states “All representations 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	Samy Limited	
Agent	Winckworth Sherwood LLP	
Type of application: Grant	Date received: 20 September 2023 28 day consultation started: 21 September 2023	28 Days consultation ended: 18 October 2023

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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 extend the hours for the sale of alcohol to 24hrs daily.
 To allow for the provision of late night refreshment between the hours of 2300 and 0500 daily.
 To remove the conditions listed in Annex 3.
 To include in Annex 2 the conditions in Section 16 of the application (appendix 2).
 To remove the restriction to licensable activities on Christmas Day and Good Friday.

Current Licence

A copy of the current licence is attached at Appendix 3. It authorises

Sale/Supply of Alcohol (consumption off the premises)

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

Summary of Representations

- 6. No objections/representations were received from any of the responsible authorities.
- 7. Four (4) relevant representations have been received from members of the public that the licensing authority have accepted as being relevant and can be found at Appendix 4.
- 8. A named and signed petition opposing the variation application, signed by 77 residents of Kington, was also received by the licensing authority.

Premises History

- 9. The premises was first licenced in 2005
- 10. On 9 May 2008, the premises was brought before regulatory subcommittee as the premises had been the subject of two (2) separate test purchase operations in three (3) months and had sold on both occasions to those that were under age of 18. A 16 year old male was served alcohol without being challenged concerning his age. A 15 year old female was served alcohol without being challenged concerning her age

11. The decision of the regulatory sub-committee was

That the License be suspended in respect of all licensable activity for a period of 7 days, such suspension not to take effect until 00:01hrs on 31st May 2008.

That the following additional conditions be imposed forthwith* upon the licence:-

- That all sales made on the premises are supervised by a personal licence holder
- That the use of 'Challenge 25' is made a condition of all sales made on the premises
- That the premise employs proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.
- That the premise has till prompts for all age restricted items to ensure staff enforce the 'Challenge 25' rule and request identification when necessary.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

(a) until the end of the period given for appealing against the decision, or

(b) if the decision is appealed against, until the appeal is disposed of.

12. Since first being licenced, the licensing authority has received five (5) applications to vary the designated premises supervisor (DPS), which have all been granted, with the latest one being granted on 19 September 2023 along with two (2) applications to transfer the premises licence, which have also been granted, with the latest one being granted on 19 September 2023.

Community impact

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

Environmental Impact

14. 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

15. 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.
16. There are no equality issues in relation to the content of this report.
17. 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.
18. 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

19. 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

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

Legal implications

21. 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.
22. 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.
23. 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.

24. 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: -
25. 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.
26. 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.
27. 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'.
28. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

29. 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).
30. 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

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

Consultees

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

Appendices

Appendix 1 – Application Form
Appendix 2 – Proposed Conditions
Appendix 3 – Current Premises Licence
Appendix 4 – Public Representations

Background papers

None Identified

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

DPS: Designated Premises Supervisor

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

AGS/34256/32

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Samy Limited

* Family name

Samy Limited

* E-mail

asanders@wslaw.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

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

Registration number

07689168

Business name

Samy Limited

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

VAT number

- NA

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

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

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

Agent Business

Is your business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

17,000

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

The premises is a convenience store located at 38 High Street, Kington, HR5 3BJ.

The variation is to do the following:

1. To extend the hours for the sale of alcohol to 24hrs daily.
2. To allow for the provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed in Annex 3.
4. To include in Annex 2 the conditions in Section 16 of the application.
5. To remove the restriction to licensable activities on Christmas Day and Good Friday.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

The provision will take place inside the premises but customers may leave the premises with items purchased.

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NA

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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

The conditions listed under Annex 3.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request,

Continued from previous page...

to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

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

Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

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. Please visit the 'Vary a Premises Licence' webpage on Herefordshire Council's website (www.herefordshire.gov.uk) for the details of the application fee required

* Fee amount (£)

190.00

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.

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

Winckworth Sherwood LLP

* Capacity

Agent

* Date

20 / 09 / 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/change-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, 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.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="AGS/34256/32"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

Conditions offered by the applicant

Prevention of Crime & Disorder

A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

The system will display, on any recording, the correct time and date of the recording.

The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Public Safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

Prevention of Public Nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

Protection of Children from Harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales. Induction training must be completed and documented prior to the sale of alcohol by the staff member. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

**LICENSING ACT 2003
Part A - Premises Licence****Premises licence number PR00367 (App to Transfer & Vary DPS)****Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description Nisa Supermarket 38 High Street	
Post town Kington	Postcode HR5 3BJ
Telephone number 01544 230593	

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

Licensable activities authorised by the licence Sale/Supply of Alcohol (consumption off the premises)

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

The opening hours of the premises Not applicable
--

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Samy Limited 73-75 Corporation Road Middlesbrough TS1 1LY

Registered number of holder, for example company number, charity number (where applicable) 07689168

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

Lohith Perumal

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: SBC 155437

Issuing authority: Stockton on Tees Council

Annex 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 Section, Herefordshire Council
Plough Lane, Hereford. HR4 0LE**

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;
- 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**Following Review of Licence on 9th May 2008**

The following additional conditions are imposed upon the licence:-

- That all sales made on the premises are supervised by a personal licence holder
- That the use of 'Challenge 25' is made a condition of all sales made on the premises
- That the premise employs proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.
- That the premise has till prompts for all age restricted items to ensure staff enforce the 'Challenge 25' rule and request identification when necessary.

Annex 4 - Plans

As attached

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

Premises licence number PR00367 (App to Transfer & Vary Premises DPS)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Nisa Supermarket 38 High Street	
Post town Kington	Post code HR5 3BJ
Telephone number 01544 230593	

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

Licensable activities authorised by the licence Sale/Supply of Alcohol (consumption off the premises)

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

The opening hours of the premises Not applicable
--

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

Name, (registered) address of holder of premises licence Samy Limited 73-75 Corporation Road Middlesbrough TS1 1LY
--

Registered number of holder, for example company number, charity number (where applicable) 07689168

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

Lohith Perumal

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

Protection of Children: Not applicable

Protection of Children: Not applicable

RECEIVED
17 OCT 2023
BY: GASTH

SCHODD,

[REDACTED]

Licensing Section
Herefordshire Council
8 St Owen Sreet
Hereford
HR1 2PJ

10 October 2023

Dear Sir,

Re: Planning application by Samy Limited for 38 High Street, Kington, HR53BJ to extend licensing hours to 24/7

Words actually fail me at the prospect of this being considered acceptable. What possible justification can there be for this? There's an alcohol and drug problem already in Kington as undoubtedly there is in most towns so why would this usually quiet town want to allow 24 hour access to more alcohol?

- What profile does Morrison's have of customers requiring to purchase alcohol between eg 1-6am?
- What provisions could the company possibly put in place to protect the staff on night shift in this scenario?
- Is this not massively encouraging alcohol abuse?

The High Street is narrow and echoey and there are residents and guests everywhere trying to get a peaceful night's sleep. This is not the same as a big city centre. Vehicles will be encouraged into the High Street at all hours and be parking there, obviously ignoring parking restrictions. Customers are hardly going to park in car parks at 2am and walk sedately into Morrison's.

I speak as a grandparent who for some months recently looked after a very mentally troubled granddaughter who was constantly trying to obtain alcohol and drugs in Kington by whatever means. It was bad enough that she easily found drug dealers in town in broad daylight, never mind alcohol throughout the night. I doubt she would have survived. In case the council isn't aware, there is an epidemic of mental health issues amongst the young and it can often lead to drug and alcohol dependency.

I urge you to bear these points in mind when making your decision. This is not needed.

Yours faithfully

[REDACTED]

[REDACTED]

Cc Kington Town Council, Kington Chamber of Trade

RECEIVED
10 OCT 2023
BY: GMSH
SCMDDO.



Licensing Team
Environmental Health & Trading Standards
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

8th October 2023

Dear Sir/Madam

Re : Licensing variation application by Samy Ltd at retail premises at 38 High Street Kington HR5 3BJ
– ex-Nisa/Ashby's

Thank you for your letter of 5th October in reply to my representation to yourselves of 27th September 2023.

I really cannot understand your response as

- a) I am a member of the public; of course not the public as a whole, but an individual member who lives in the area likely to be affected and whose concerns are based on regular, frequent behaviours experienced during existing opening hours and
- b) I cannot possibly provide evidence of the problems as a result of 24 hour opening hours as there is no 24 hour opening in this area. Nor can anyone.

But surely our views should be taken into account in your impact assessment.

You ask for evidence from real and reliably witnessed events at the premises. The High Street/lanes & carpark behind ex-Nisa/Samy's are "the premises" likely to be affected. There are so many instances which I and neighbours just get on and deal with regularly, I will give just a few of the latest instances of such problems there I have witnessed:

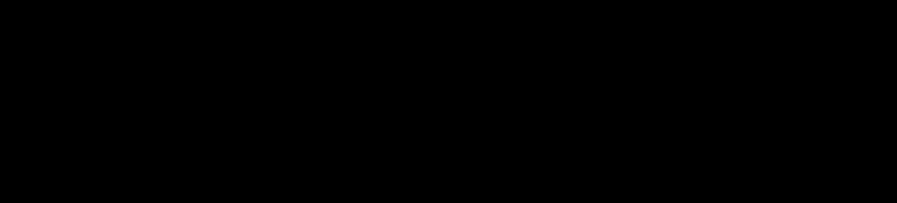
- antisocial driving in the "Nisa" carpark rowdy and erratic – the most recent was this afternoon with the driver then going into Samy's
- drunken behaviour – the most recent was yesterday evening with 2 reeling young men swigging cans and relieving themselves in the hedgerow between the carparks
- clearing human wee from against my house and my gateway – yesterday late afternoon
- clearing cans and food wrappers from carpark and lane to it – I clear it most weeks while taking my bin out. Last Monday there were 5 lager cans, 2 soft drink bottles and 4 food wrappers which had not been there on Sunday afternoon's clear up.

It is on the basis of such experiences already impacting our lives here that I am concerned as to the likely impact of 24 hour alcohol and food sales here.

As far as the police involvement is concerned, the most recent I heard was on Friday evening, though as I had gone to bed early I did not see anything. The most recent time I was woken by police racing after people, torches being waved around including through my gate was in the middle of the night on the last weekend in August. That I did see as well as hear. I am sure the police can inform you in much more detail than I can. How can they police 24 hour opening here as well?

As I said in my previous letter I would also ask that to avoid my being threatened, you keep my details completely confidential. If you cannot do this, then please return this letter to me with a note to that effect. Thank you.

Yours Faithfully



HEREFORDSHIRE COUNCIL
Licensing Act 2003

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.

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**

Your Name: KINGTON TOWN COUNCIL	Contact Telephone No. [REDACTED]
Address: Kington Town Council The Old Police Station Market Hall Street Kington Herefordshire HR5 3DP	E-mail address: clerk@kingtontowncouncil.gov.uk
	Please state your interest in the premises you are making a representation about: eg local resident/local business Town Council representing the interests of the residents of Kington
Name & Address of premises you are making a representation about: Nisa, 38 High Street Kington, Herefordshire HR5 3BJ	

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 Kington Town Council's objection is primarily to the removal of restrictions to the current licence enabling the sale of alcohol on a 24 hour basis. Given that there are few premises within Herefordshire that will allow 24 hour alcohol sales (we believe there are currently just 12 such premises), we believe this will encourage people to drive to the Town to access this store, encouraging the potential for those driving under the influence of alcohol. Public opinion on this particular issue is strong with the Town Council receiving in excess of 85 individual objections to this proposal. Like many small towns, alcohol abuse is evident within the Town and we believe allowing the purchase of alcohol on a 24 hour basis, particularly at night, will exacerbate existing issues of local crime and disorder as a result of alcohol abuse.</p>
<p>Public Safety</p>
<p>To Prevent Public Nuisance The store in question is located on our narrow High Street which has residential dwellings above the majority of independent stores which form Kington's unique High Street. Noise from people accessing any late or overnight sales of alcohol and/or refreshments if this application</p>

is approved would severely disrupt those residents living in the immediate vicinity, whether that access is on foot or by vehicle.
Kington already has a history of vehicles parking (illegally) on the narrow High Street, causing a hazard and resulting in difficulty for emergency vehicles and others to pass at any time of the day or night. Whilst car parking is available at the rear of the store (via a public car park), it is unlikely vehicles will use that car park at night and then walk around to the front of the store to make a purchase, particularly as overnight availability in this car park is very limited.

To Protect Children from Harm

Signed:
Date:



If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 261761

**Representation Form – Interested Parties
Suggested Conditions**

Premises:

Nisa,
38 High Street
Kington, Herefordshire
HR5 3BJ

Your name: Kington Town Council

It would help us with this application if you could suggest conditions you would be happy for the premises to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder

Retention of current licencing terms and conditions including times of operation

Public Safety

16 October 2023

Dear KTC,

I've just been made aware that Nisa (now Morrison's Daily) are applying for a 24-hour alcohol license. I've only been here 6 years, but do feel I do have a unique perspective on the 24-hour workings of the High Street. Not only do I live on the High Street but I also run a retail shop during the day and a B&B the rest of the time. I would therefore like to offer in this letter, multiple reasons as to why we should definitely and collectively oppose their application.

Firstly, in order to oppose something, it's important to understand what we are protecting. In this case, it's important to understand Kington, what we have that's unique, what we need to protect and in turn, envision for the future:

- Kington has remained wonderfully traditional. Our medieval High Street is blessed with gorgeous little independent shops, we've avoided modernization, gentrification and chain stores. This is Kington's charm. Visitors instantly recognise and appreciate its simplicity. People are moving here because of this and visitors return because of this.
- Ironically, because Kington has remained unchanged, I believe Kington is 'on-trend' for the new emerging High Street, that complements rather than competes with the internet. We do and need to continue to offer a shopping experience and be a hub of useful shops for our rural community.
- The High street is already attracting new independent businesses, especially craft and art shops and galleries. The Walking Hub will be moving into its new premises (the old La Gala) in November and we are all succeeding where other businesses have failed. This in turn will attract other small independent businesses, the kind we want. If Kington could shape the High Street with a selection of useful shops, essentially try to recreate the old "high street" experience, we are onto a winner!
- And let's not also forget that the High Street is also residential. This also very important regarding the survival of the High Street and the protection of our medieval buildings. Research has shown that people living above the shops is actually more successful and sustainable than the shopping Mall idea. And indeed, in the USA they are now creating and building our very scenario; we just happen to be the real deal. Totally authentic – lucky us! But again, we have to protect and nurture this. We cannot make rash decisions without thinking how it will affect our residents and in turn our buildings. I've seen time and time again how this is not the case...for example the recent road works hammering away until 02 in the morning. I like the concept of 'coexisting'. We could do with a sign like this on the High Street then we need to honour it!



- Kington is also growing a valuable reputation as a Walking Town. We need to recognize that Offa's Dyke National Trail is a gold mine for us. We have a steady stream of walkers from all over the world arriving in our town just because the path has led them here. Totally free marketing! Walkers are an easy bunch of people to please, requiring food and accommodation. To meet these needs, many of our premises have successful B&B's over the shops. These walkers love Kington and end up revisiting or even moving here.

Morrisons having a 24-hour license will potentially change and effect Kington on all the above levels for the following reasons:

- It will disrupt the balance on the High Street. For residential and commercial to coexist we need to embrace a lively High Street during the day and through the evening, but then we want it to close down (I would suggest by 11pm) so our residents and visitors can sleep peacefully. In the summer there is already a problem with groups of drinkers hanging out on the High Street after hours and see this as only encouraging this behavior.
- An open all-hours shop doesn't really fit with our traditional High Street. Traditionally the shops open early and close early because they are family run. If we want to, we can embrace this and it will continue to make us unique. A lovely balance of understanding what our visitors need and protecting our values.
- 24-hour alcohol access could attract many more people into Kington through the night. Cars speeding down the High Street, not to mention the increased possibility of drunk drivers all adds to the decreased safety in Kington.
- The noise factor is hugely problematic. Noise travels easily along our narrow High Street with shoulder to shoulder historic buildings, most of which have thin walls and ill-filling windows. Speeding cars and groups of drunk people disrupt not only our residents but our B&B guests. This has the potential to ruin our businesses, our reputation as a walking town and ensures that our visitors don't return.
- We need to prevent chain stores and big Corporations such as Morrisons from changing the character of our High Street. Morrisons may very well have targeted Kington because of its low socioeconomic status, assuming that we probably have a higher number of residents with alcohol problems and therefore taking advantage them. After all, who needs to buy alcohol in the middle of the night?
- We need to make sure that Herefordshire council realise our unique identity and that they can't make bad decisions on our behalf as they were going to with the Parking fee debacle.

Thank you for reading. I love living in Kington and having a business here. I'm passionate about community and preserving our High Street and believe strongly that with clever nurturing, it can not only survive but thrive. Decisions that initially seem minor can often have huge ramifications and I believe this is one of them. The enclosed petition show that others here also wish to oppose this license and hope we can therefore depend on the councils support to also oppose.





Application for a grant of a premises licence in respect of Weavers, 4 New Street, Ledbury, HR8 2DX – Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 13 November 2023 at 14:00hrs

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Ledbury South

Purpose

To consider an application for a grant of a premises licence in respect of Weavers, 4 New Street, Ledbury, Herefordshire. HR8 2DX 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 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	Event Pro Fest Ltd	
Agent	The Licensing Guys	
Type of application: Grant	Date received: 25 September 2023 28 day consultation started: 26 September 2023	28 Days consultation ended: 23 October 2023

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Summary of Application

- 5. The application can be found at appendix 1 and requests the grant of a premises licence to allow the following licensable activities, during the hours shown;

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

Monday – Sunday 11:00 – 24:00

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

The applicant has also offered a set of conditions to promote the four (4) licensing objectives. These can be found at Appendix 2.

Summary of Representations

- 6. One (1) representation has been received from a responsible authority, Environmental Protection. The two (2) additional conditions proposed (to that in appendix 2) have been accepted by the applicant and can be found at Appendix 3.
- 7. One (1) relevant representation has been received from a member of the public in line with the licensing objective Prevention of Public Nuisance, which the licensing authority have accepted as being relevant. Only the paragraph highlighted in yellow can be considered under the Licensing Act 2003. The representation can be found at Appendix 4.
- 8. On 25 October 2023, the applicant’s agent wrote to the objector outlining the application made and addressing their questions, in the anticipation it would alleviate any concerns they may have. A copy of the dialect can be found at Appendix 5.
- 9. As a result of discussions between the applicant’s agent and the objector, two extra conditions have been offered by the agent. These can be found at Appendix 6.
- 10. Further concerns from the objector addresses traffic issues and although traffic is not a matter for the Licensing Sub Committee to consider, the applicant’s agent supplied data taken from the Crash map system and contains details of every Road Traffic Collision (RTC) in the past 25 years. This is compiled from Police & Insurance Company data. Appendix 7 shows there have been three (3) slight injury RTCs in the relevant portion of New Street in 2003, 2006 and 2016.

Community impact

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

Environmental Impact

12. 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.

Equality duty

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

Resource implications

17. 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.

Financial implications

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

Legal implications

19. 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.
20. 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.
21. 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.
22. 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: -
23. 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.
24. 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.
25. This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
26. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

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

Rejection of applications relating to premises licences

(1) Where a licensing authority-

- (a) Rejects an application for a premises licence under section 18,

The applicant may appeal against the decision.

Schedule 5, Part 1, Section 2 of the Licensing Act give a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

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

28. 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

29. 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

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

Appendices

- Appendix 1 – Application form
- Appendix 2 – Proposed conditions offered by the applicant
- Appendix 3 – Environmental protection representation
- Appendix 4 – Public representation
- Appendix 5 – Correspondence between applicant’s agent and objector
- Appendix 6 – Additional conditions offered
- Appendix 7 – Crash map data

Background papers

None Identified

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

RTC – Road Traffic Collision

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

175-23

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Dean William

* Family name

CARTWRIGHT

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

[REDACTED]

[REDACTED] number

[REDACTED]

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

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

Registration number

11272650

Business name

Event Pro Fest Ltd

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

VAT number

- None

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

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

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

Agent Business

Is your business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

This application is for a new outlet for an established Worcestershire brand – ‘WEAVERS’. A typical outlet carries 40 specialist gins, 2 high end lagers, 6 ciders and 6 craft ales. They will be like an old-fashioned community pub based on good quality beer and excellent service. There will be no amplified music. They serve no hot food but provide filled cobs. They are dog-friendly. They appeal to walkers, backpackers and the mature generation in Ledbury, with a 5% loyalty discount to OAPs and CAMRA members.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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

Name

First name

Family name

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

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

This application is for a new outlet for an established Worcestershire brand – 'WEAVERS'. A typical outlet carries 40 specialist gins, 2 high end lagers, 6 ciders and 6 craft ales. They will be like an old-fashioned community pub based on good quality beer and excellent service. There will be no amplified music. They serve no hot food but provide filled cobs. They are dog-friendly. They appeal to walkers, backpackers and the mature generation in Ledbury, with a 5% loyalty discount to OAPs and CAMRA members.

In writing this application, due regard has been paid to the LA'03, s182 Statutory Guidance and the Herefordshire Council Statement of Licensing Policy.

b) The prevention of crime and disorder

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

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

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other 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') and Council Licensing Department immediately.

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

(a) all crimes reported to the premises (where relevant to the licensing objectives)

(b) all ejections of patrons

(c) any complaints received (where relevant to the licensing objectives)

(d) any incidents of disorder

(e) any refusal of the sale of alcohol

(f) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

c) Public safety

3. First aid:

A HSE Compliant Industrial High Response First Aid Kit shall be kept fully stocked at the premises and kept behind the bar.

d) The prevention of public nuisance

4. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

5. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

e) The protection of children from harm

6. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or

Continued from previous page...

an authorised Trading Standards Officer the Local Authority/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 counter advertising the scheme operated.

7. A written 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 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 the Local Authority/Council on demand.

8. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this 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.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Please visit the 'Premises Licence' webpage on Herefordshire Council's website (www.herefordshire.gov.uk) for the details of the application fee required

* Fee amount (£)

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

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

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

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="175-23"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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THE LICENSING GUYS
KEEPING YOU LEGAL AND TRADING

Consent of Individual to being specified as Premises Supervisor

Dean CARTWRIGHT

I

.....
[full name of prospective premises supervisor]

■
[Redacted address lines]

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

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

The Grant of a Premises Licence

.....
[type of application]

by

EVENT FEST PRO LIMITED - Company Number 11272650

.....
[name of applicant]

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

for a premises called

Weavers
4 New Street,
LEDBURY
Herefordshire
HR8 2DX

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

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

EVENT FEST PRO LIMITED - Company Number 11272650

[name of applicant]

concerning the supply of alcohol at

Weavers
4 New Street,
LEDBURY
Herefordshire
HR8 2DX

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for a personal licence, details of which I set out below.

Personal licence number

18050314

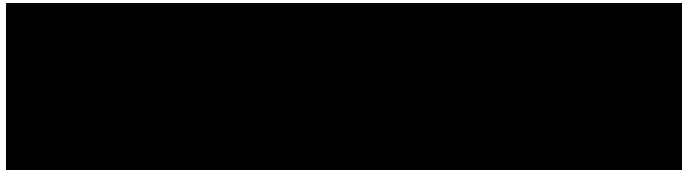
[insert personal licence number, if any]

Personal Licence Issuing Authority

Bromsgrove District Council

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

Signed

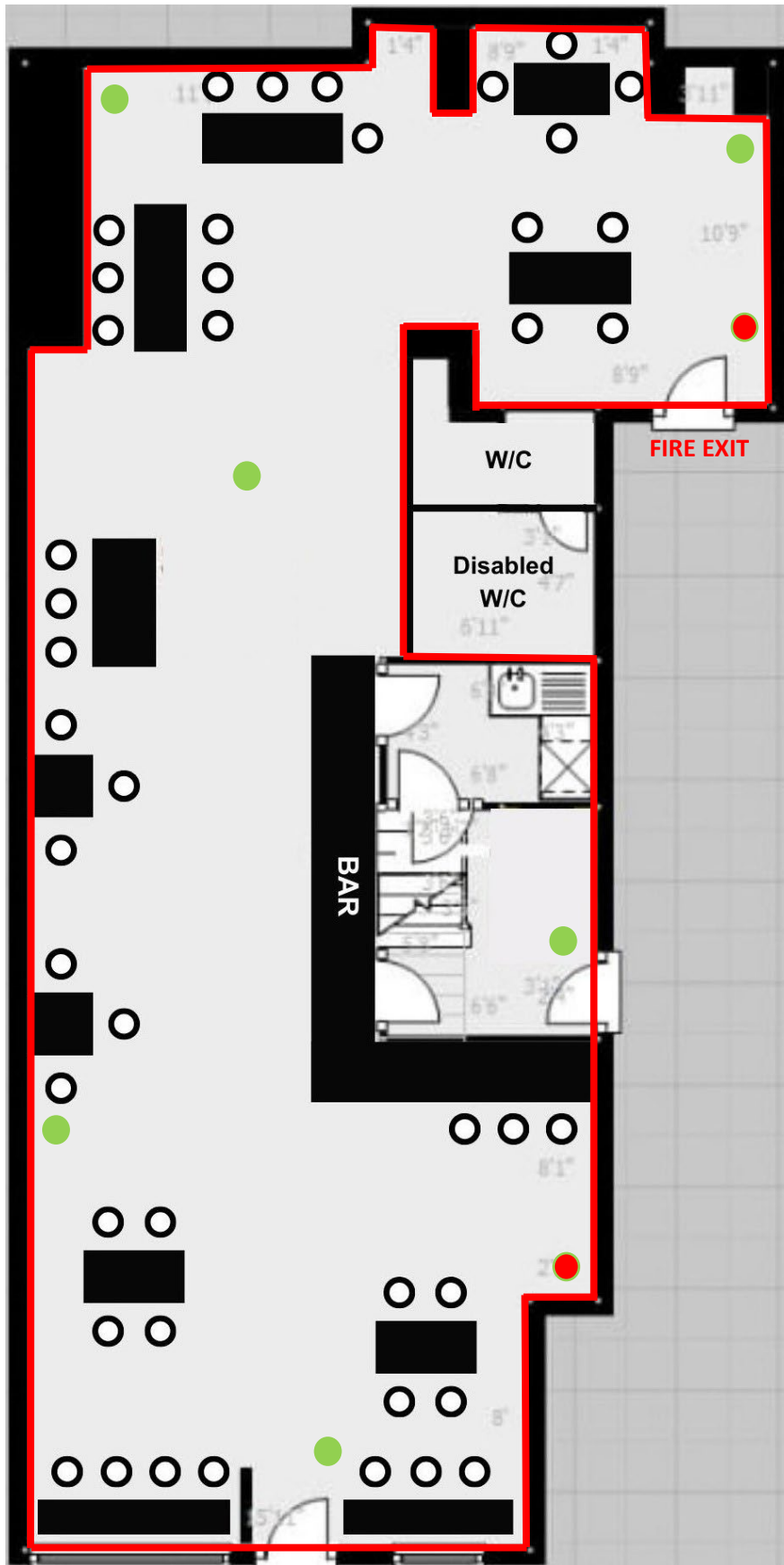


Name (please print)

Dean CARTWRIGHT

Date

24th September 2023



Main Entrance & Exit

Licensable Activity & Consumption Area — CCTV — Foam Fire Extinguisher — Scale 1:100

Proposed conditions offered by applicant and applicant's agent

Prevention of Crime & Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format. The CCTV equipment shall be kept in a secure environment under the control of the DPS or other 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') and Council Licensing Department immediately.

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.

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

- (a) all crimes reported to the premises (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

Public Safety

First aid:

A HSE Compliant Industrial High Response First Aid Kit shall be kept fully stocked at the premises and kept behind the bar

Prevention of Public Nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/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 counter advertising the scheme operated.

A written 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 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 the Local Authority/Council on demand.

MEMORANDUM

To : LICENSING OFFICER

From : Environmental Health - Protection

Tel : 01432 261668 My Ref : RRO/390083/

Date : 11/10/2023 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
4 New Street, Ledbury, Herefordshire, HR8 2DX**

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

Representation	Industry Guidance
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>Agree with the applicants proposed conditions stated in the application for Public Nuisance</p> <p>Propose two additional conditions:</p> <ul style="list-style-type: none"> • 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. • No waste such as bottles or refuse shall be placed outside the premises after 23:00 	

**ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

Premises Licence Application - Representation

Weavers, 4 New Street, Ledbury, Herefordshire HR82DX

Our representation covers various aspects of the three items indicated on your form and we have outlined areas which we cannot see covered on the application form and which raise concern.

The safety of both pedestrians and guests of the establishment must be addressed.

The entrance to the property opens directly onto a small pavement, a narrow road and traffic lights;
we are well aware of the cars racing to go through the lights and the congestion that regularly happens
with pedestrians using this small pavement area

With possible accidents in mind, what procedures, in addition to guests entering and leaving, have been
put in place for the delivery of barrels and crates in this narrow area ?

**The safety and security of occupants of adjacent premises;
potential noise and nuisance.**

From the sketch attached to the application form it appears that the emergency/fire exit is via a pathway/archway onto New Street. It also appears that a rear entrance from the licenced premises will open onto the same pathway.

We, along with other properties, have a right of access on this pathway and, in addition, we have a flying freehold over the pathway. What measures are being taken to ensure the legal requirements are maintained? What measures are being put in place to ensure the security and safety of these premises and of the occupants?

Have the applicants taken into consideration :-

- a) The security of adjacent properties during licencing hours when one would assume the alley is open.
- b) The rear of Number 4 is an area on unkept ground, is any access to the public envisaged? This could raise the question of security, noise and nuisance to our property.
- c) Where are bottles and barrels being stored, both empty and full? At what times of day will these actions take place? It could be a late at night operation which would not be acceptable to the occupants of adjoining properties. Are any soundproofing measure being taken?
- d) There does not appear to be a marked smoking area? If this is envisaged at the rear of the property or under the alleyway what fire safety measures are being taken?
- e) Do the developers/owners intend to use the upper floors of the premises for licensed use? If so what sound proofing & fire barriers are being installed?

Ledbury already has numerous licensed premises and whilst we understand the proposed Weavers Pub is for the “more mature drinker”

one has to question the need for another given the fact that within fifty yards there are three other licenced premises

However, our concerns cover the safety of individuals , the prevention of crime, public nuisance. Perhaps a way forward would be for the applicant to answer our concerns.

**Correspondence between TLG & Objector
Re Weavers, LEDBURY – Premises Licence Application.**

For the purposes of clarity, the original correspondence is shown in black type, the objector's response is shown in red and our response to that is shown in blue...

Thank you for your reply.

Our response is now in Blue, and is written in conjunction with our understanding of the professional advice obtained from the Planning Consultant. Any Planning considerations are provided on a 'without prejudice' basis.

These are our responses to the entirety of your initial correspondence.

Please also bear in mind The Licensing Authority have already informed you that they will be confining any Hearing to the matters highlighted in YELLOW. As a matter of courtesy, we have outlined our position regarding the all your observations as we seek to engage fully with you.

These are our explanations of the legal position as we see them, for your fullest and earliest information. However, we cannot really spend more time in discussing matters which are not relevant or pertinent to the Licensing application – which is what we should actually be discussing right now.

Therefore, and with absolutely massive respect, we will not be engaging in any further correspondence on matters outside the scope of the yellow highlighted text.

Can I honestly and openly suggest that you obtain independent legal advice from an experienced licensing solicitor, and place all this correspondence before them so that you can gain an overview of all our discussions with regard to the veracity and accuracy of the information we have to date imparted?

You may also speak with the Licensing officer, from the Licensing Authority who is cc'ed into this correspondence, whom I know will provide you

with independent guidance or direct you to the relevant legislation – being the Licensing Act 2003 and the s182 Statutory Guidance issued by the Secretary of State. Both these sources are available online. I think that would be a productive way forward.

In the meantime, I invite you to revisit the passages of the correspondence highlighted in yellow, in order to ascertain if there is anything else we can assist you with by way of any further conditions that we can propose, which will reassure you that whatever it is that you do fear will not come to pass when these premises open?

If there are no further conditions that you can think of which would address your fear and speculation about what may or may not happen, then I invite you to withdraw your Representation. Of course, should any issues occur after the Grant of this new Premises Licence, then you can bring them to the attention of the operator, or indeed the Responsible Authorities (e.g. Police or Licensing Authority and lay before them any evidence you have adduced to support your complaints in order that they may take any appropriate action.

With kindest regards as ever,

Nick S for TLG.

Dear Nick,

Thank you for your call, your e mail and my subsequent e mail to you

Please see our comments outlined in red. Like you, we have also addressed other items not concerned with License Application

Dear XXXXXX,

Thank you very much for talking to me on the telephone just now.

We have received a copy of your Representation from Herefordshire Council Licensing Section, who explained to you that we would be in touch with you to discuss the application and your concerns. These negotiations form part of the process, hence I have cc'ed the Licensing Officer into our correspondence.

Your Representation is repeated below and I am responding to your issues in **Green** type. My understanding is that the Licensing Authority have identified that sections of your Representation are not relevant to the matter before the Licensing Sub Committee and the portion they deem as relevant is highlighted in Yellow. However, for completeness, I have commented on other portions of the Representation as appropriate.

Our representation covers various aspects of the three items indicated on your form and we have outlined areas which we cannot see covered on the application form and which raise concern.

The safety of both pedestrians and guests of the establishment must be addressed. Agreed, whilst they are using the premises. Surely, the safety of pedestrians whilst leaving the premises is also important. The entrance is set back from the pavement and behind a step and the pavement is larger than a standard pavement.

The traffic lights do not impinge on the use of the pavement and the size of the road, which is one way, is deemed perfectly adequate by the Highways Department for its continued use.

Both congestion or racing cars – it's hard to envisage both scenarios occurring outside Number 4 at the same time. However, racing cars in a built up area with a 30mph an hour speed limit whilst approaching working traffic lights is obviously an issue for the police.

Congestion will occur because of the traffic lights stopping traffic to allow for filtering over and into the High Street. Unless the cars are on the pavement, none of these issues affect the safety of pedestrians.

As the new Weavers pub proposal does not offer parking there will be no increase in traffic due to the development.

There is no outside seating or anything that would lessen the current size of the pavement or inhibit its use.

Indeed the property has not been a source of accidents during its lifetime as a commercial premises when people have of course always entered and left through the entrance and onto the pavement.

With possible accidents in mind, the entrance to the property opens directly onto a small pavement, a narrow road and traffic lights; we are well aware of the cars racing to go through the lights and the congestion that regularly happens with pedestrians using this small pavement area.

In our submission, this would be a matter for the Planning Committee of Herefordshire Council and not a concern of the Licensing Authority. Our understanding is that these premises were licensed in the past, and any change in permitted usage of the premises is in the hands of the Planning Group who are dealing with such factors on behalf of the applicant.

From Memory, some years ago there was a restaurant on the premises, we are unaware of it ever being a pub. We look forward to viewing your planning application when submitted.

With possible accidents in mind, what procedures, in addition to guests entering and leaving, have been put in place for the delivery of barrels and crates in this narrow area? Weavers do not use HGV delivery vehicles, but use a van to deliver their stock, such is the volume of their deliveries. Deliveries will take place in accordance with the Road Traffic Act and associated regulations regarding the loading and unloading of commercial vehicles. With regard to deliveries, however large or small the vehicle, please refer to pavement & road width & adjacent traffic lights

Deliveries will be taken directly inside the premises and not left outside the premises or on the pavement.

The safety and security of occupants of adjacent premises; potential noise and nuisance.

The alleyway is to be used as an emergency exit in the event of an emergency and is not for general use for the public.

The alleyway must remain open as it is a right of way and therefore it is unlawful to substantially interfere with its use.

Substantial interference would be to lock it and prevent people who have a legitimate right from using it.

The fact is that the alleyway would have been open when Number 4 was a shop, Indian Restaurant, wine bar and estate agents.

The flying freehold is not affected by the use of Number 4.

We note that the objector has raised maintenance issues regarding the alleyway – this is not a planning matter and the maintenance of the alleyway falls to the owner of the alleyway.

It is unlawful for a person with a right of way to attempt to improve the right of way.

*From the sketch attached to the application form it appears that the emergency/fire exit is via a pathway/archway into New Street. It also appears that a rear entrance from the licensed premises will open onto the same pathway. We, along with other properties, have a right of access on this pathway and, in addition, we have a flying freehold over the pathway. **Thank you for that information. Of the two doors from your premises leading onto the alleyway we have knowledge of only one being open as an entrance to the upstairs flat, the other has always been closed and unopened.***

*What measures are being taken to ensure the legal requirements are maintained ? **You have explained that the legal requirements you refer to are the rights of users to use this passage. We have no intention whatsoever to obstruct, preclude***

or deny the rights of any person to use this passage. You confirmed that the premises owner is retaining the garden area, please advise where your empty bottles, casks, crates will be stored

What measures are being put in place to ensure the security and safety of these premises and of the occupants ? CCTV is not a preventative measure merely a recording of activities – unruly or otherwise. Customers will inevitably use, the emergency exit from the premises into the alley way and this could become as a drinking and smoking area.

With respect, CCTV is clearly a preventative measure, as otherwise why would anyone fit it were it not to alter offending behaviour and deter/prevent crime.

The Prevention & Deterrence factor is through the potential offender becoming aware of the presence of CCTV, thus assessing the risks of offending in this location to outweigh the benefits and consequently choosing either not to offend or to offend elsewhere.

Have the applicants taken into consideration :-

The security of adjacent properties during licensing hours when one would assume the alley is open. We will fit CCTV to cover the afore-mentioned passage. See above.

There will be no effect on the security of adjacent premises during licensing hours or during any other hours. The alleyway is not open to the public nor has it ever been, it is a right of way for certain people.

The rear of Number 4 is an area on unkept ground, is any access to the public envisaged ? This could raise the question of security, noise and nuisance to our property. This land has been retained by the owner of the property and will form no part of our licensable activities. Noted, see our comments above.

The rear of Number 4 is not included in the planning application and is not open to the public, and does not form any part of the Licensing application.

Where are bottles and barrels being stored, both empty and full ? Full bottles and barrels are stored in the cellar within the premises and empties will be stored in a bin to the rear. At what times of day will these actions take place? It is company policy that NO bottling up occurs between 20:00 and 11:00hrs daily.

The bottles and barrels will be taken into the premises and refilled on a “just in time basis”. Deliveries will be between 12 and 5pm.

It could be a late at night operation which would not be acceptable to the occupants of adjoining properties. Are any soundproofing measure being taken ?

I note that no bottling up takes place between 20.00 and 11.00 – please advise on the removal of items used during service

If sound proofing is deemed necessary, it can be conditioned as part of the planning approval.

There does not appear to be a marked smoking area? Correct. The vast majority of Weavers clientele do not smoke at all. If this is envisaged at the rear of the property or under the alleyway what fire safety measures are being taken ? No Smoking Area to the rear or in the alleyway to the side of the premises is entailed within this application. Customers who do smoke must make their own arrangements to smoke away from the premises in a safe and lawful manner. Noted, see above and in addition if customers use the street to smoke, please note our comments on street safety.

There is no marked smoking area and smoking is actively discouraged. Neither area that the objector has “envisaged” is open to the public.

Do the developers/owners intend to use the upper flows of the premises for licensed use ? If you mean the upper floors, these form the accommodation for the Manager and will form no part of the licensed footprint of the premises. The upper floors are not part of the planning application and will remain as residential use.

If so what sound proofing & fire barriers are being installed? Non-applicable, as Regulated Entertainment forms no part of this application, and the Fire Risk Assessment completed in conjunction with the H&W Fire & Rescue Service will dictate any provisions regarding Fire Safety. Noted, we await sight of the Fire Risk Assessment.

As above. Regulated entertainment forms no part of the licensing application.

Our understanding is that the FRA is a private document which is compiled by the business and signed off by the Fire & Rescue Service.

Ledbury already has numerous licensed premises and whilst we understand the proposed Weavers Pub is for the “more mature drinker” one has to question the need for another given the fact that within fifty yards there are three other licenced premises. With respect, ‘need for another’ arguments are specifically excluded in law from the consideration of the Licensing Sub Committee. Such considerations remain matters for ‘the market’. Noted

However, our concerns cover the safety of individuals , the prevention of crime, public nuisance. Perhaps a way forward would be for the applicant to answer our concerns. You are absolutely right. Herewith is our explanation regarding the concerns you have raised. If there are other measures you would like us to consider, please come back to us at your earliest convenience.

Summary:

In order to address your concerns we would like to offer additional Conditions to the application to the following effect:

1. CCTV coverage shall be extended to the passageway to the side of the premises.
2. There shall be no ‘bottling up’ at the premises between 20:00 and 11:00hrs daily.

Thank you for your engagement. If you would respond either directly to us or via the Licensing Authority, then we would be obliged.

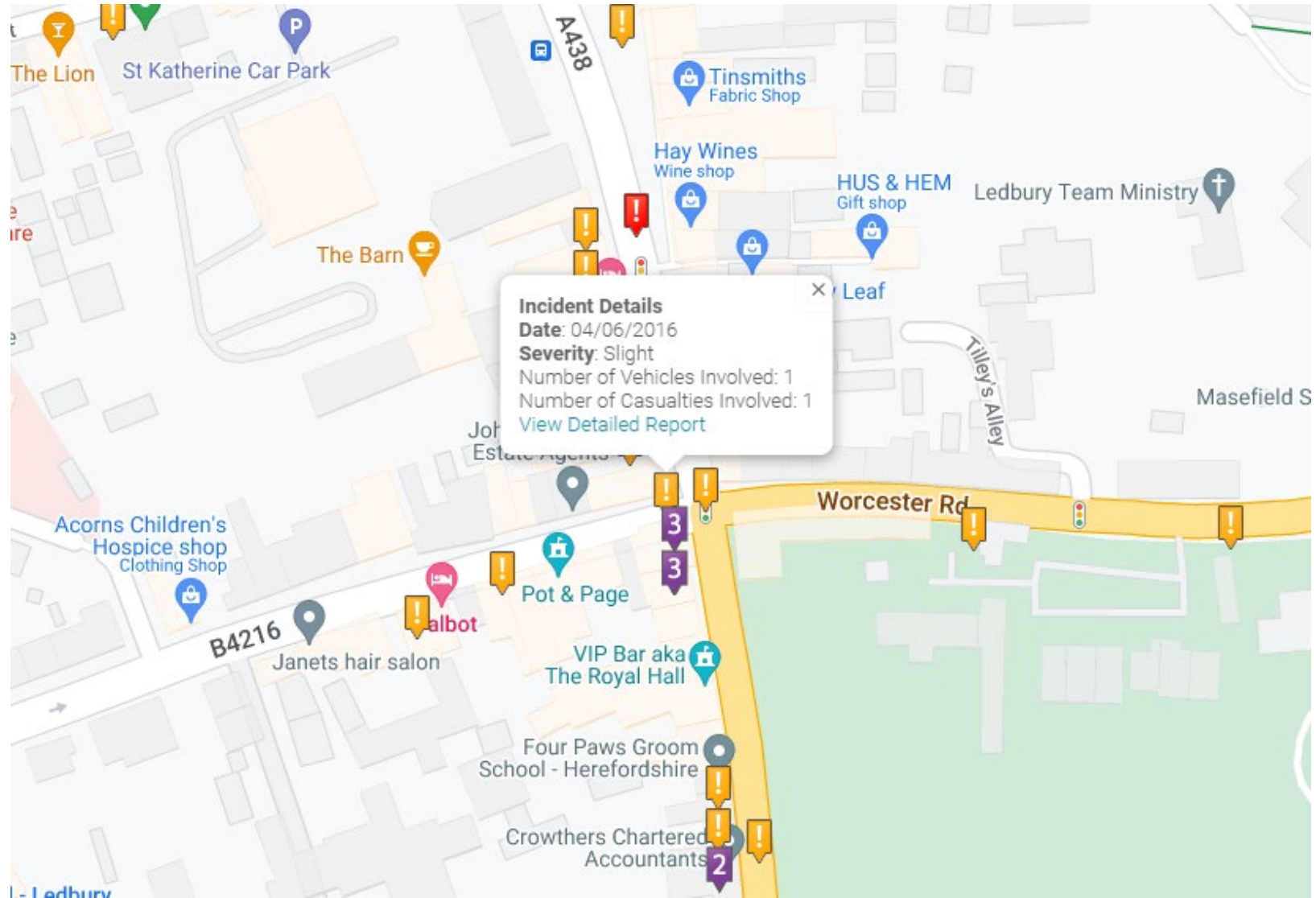
Additional conditions proposed by the applicant

In order to address your concerns we would like to offer additional conditions to the application to the following effect:

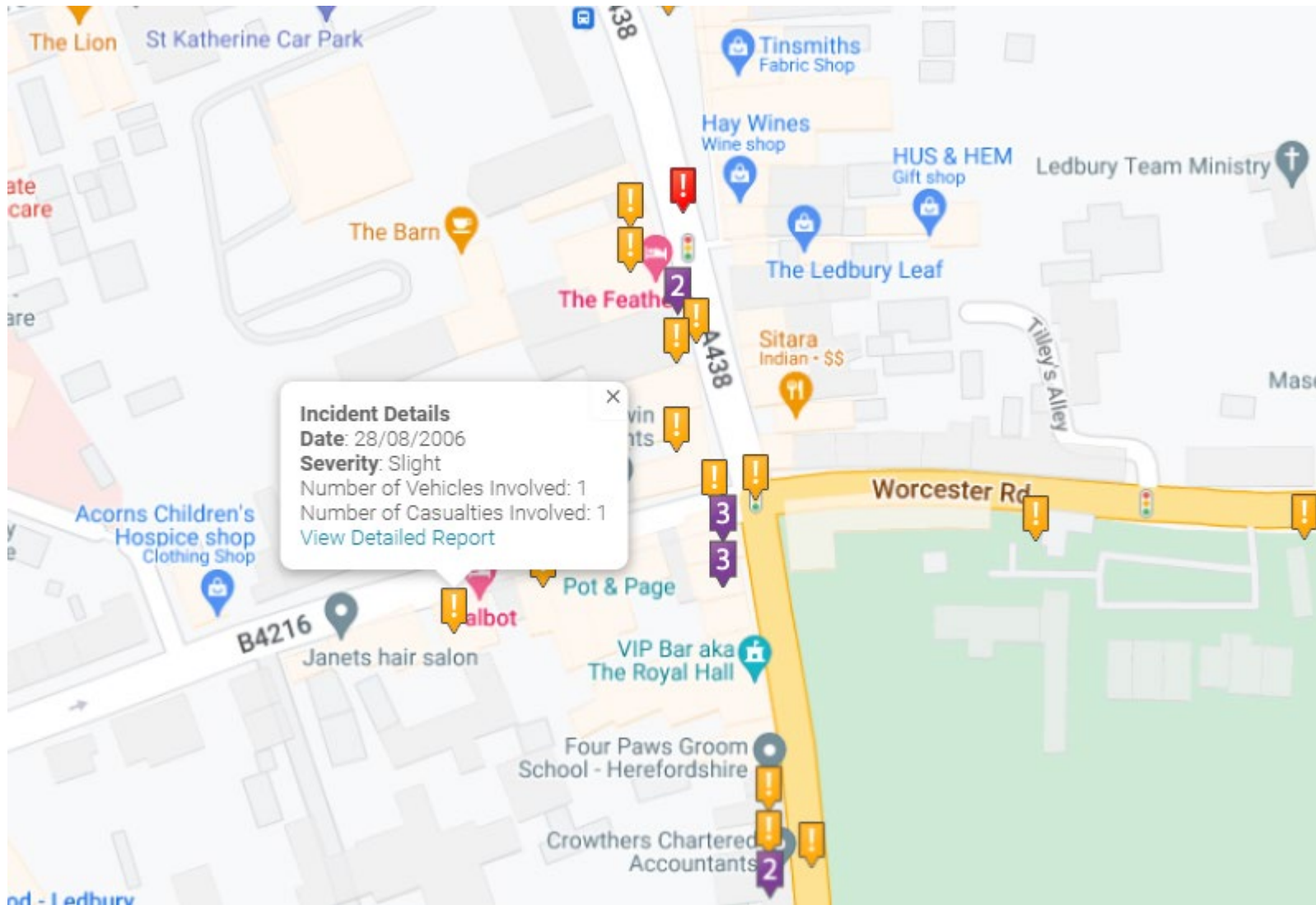
1. CCTV coverage shall be extended to the passageway to the side of the premises.
2. There shall be no 'bottling up' at the premises between 20:00 and 11:00hrs daily.

Crashmap Data for RTC's outside 4 New Street, LEDBURY 1999-2024

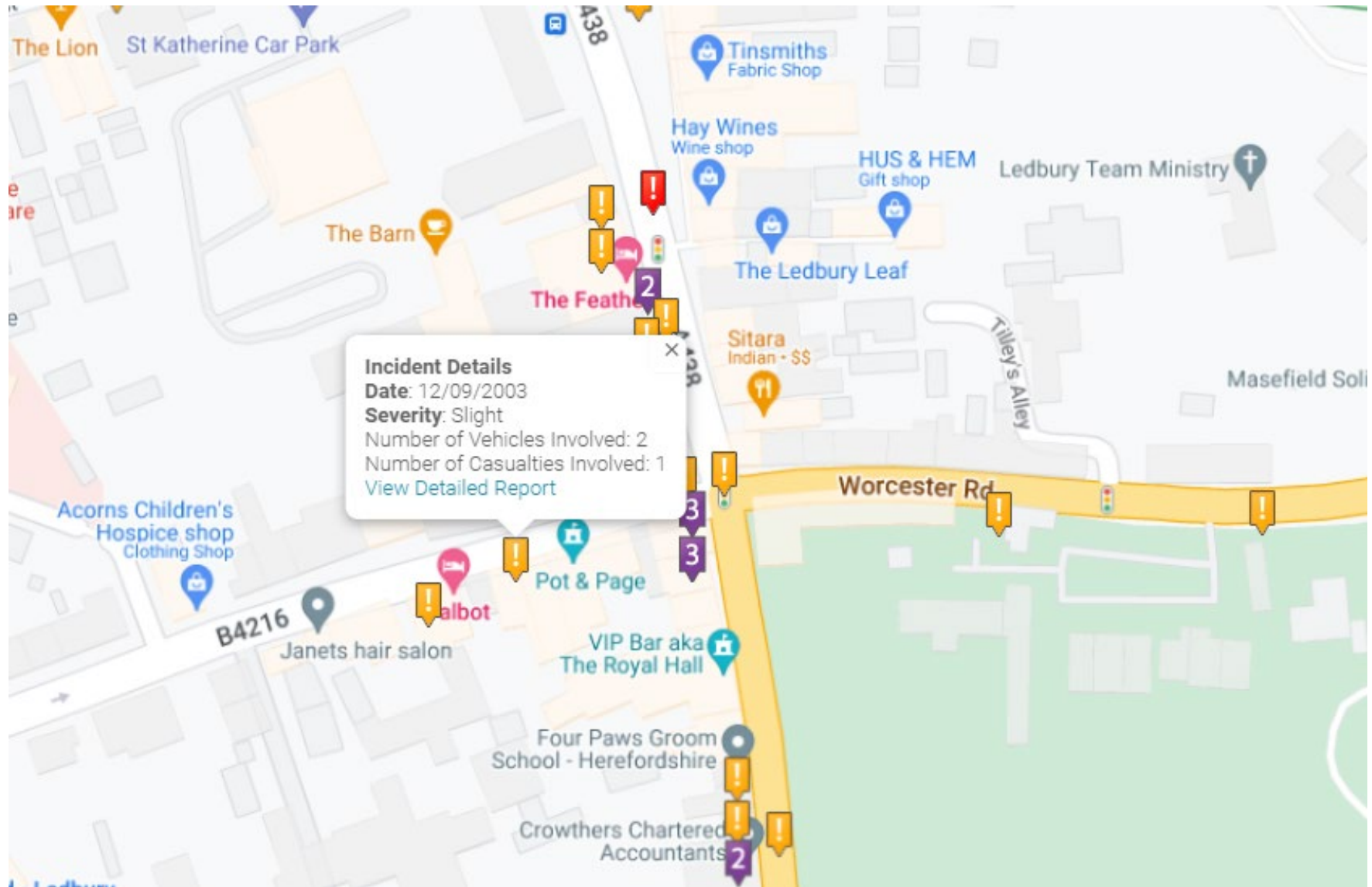
04/06/2016 – One vehicle and one slight casualty.



28/08/2006 – One vehicle and one slight injury casualty.



12/09/2003 – Two vehicles and one slight injury.





Application for a grant of a premises licence in respect of Skyblue Liquor, 60 Commercial Road, Hereford, HR1 2BP – Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 13 November 2023 at 14:00hrs

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford Central

Purpose

To consider an application for a grant of a premises licence in respect of Skyblue Liquor, 60 Commercial Road, Hereford. HR1 2BP 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 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	Ako Rasoul	
Agent	The Licensing Guys	
Type of application: Grant	Date received: 25 September 2023 28 day consultation started: 26 September 2023	28 Days consultation ended: 23 October 2023

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Summary of Application

5. The application can be found at appendix 1 and requests the grant of a premises licence to allow the following licensable activities, during the hours shown;

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

Monday – Sunday 08:00 – 02:00

The applicant has also offered a set of conditions to promote the four (4) licensing objectives. These can be found at Appendix 2.

Summary of Representations

6. No representations were received from any of the responsible authorities.
7. Two (2) relevant representations have been received from members of the public, which the licensing authority have accepted as being relevant. The representations can be found at Appendix 3.

Community impact

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

Environmental Impact

9. 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.

Equality duty

10. 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.
11. There are no equality issues in relation to the content of this report.
 12. 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.
 13. 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

14. 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.

Financial implications

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

Legal implications

16. 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.
17. 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.
18. 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.
19. 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: -

20. 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.
21. 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.
22. This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
23. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

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

Rejection of applications relating to premises licences

(1) Where a licensing authority-

- (a) Rejects an application for a premises licence under section 18,

The applicant may appeal against the decision.

Schedule 5, Part 1, Section 2 of the Licensing Act give a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

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

25. 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

26. 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

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

Appendices

- Appendix 1 – Application form
Appendix 2 – Proposed conditions offered by the applicant
Appendix 3 – Public representations

Background papers

None Identified

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

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

176-23

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Ako

* Family name

RASOUL

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

- Yes No

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

Is the applicant's business registered outside the UK?

- Yes No

Business name

Skyblue

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

VAT number

-

None

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

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

Building number or name

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

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

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

Agent Business

Is your business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Ako

Family name

RASOUL

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

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

Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="Iraqi"/>
Right to work share code	<input type="text" value="WZA 7PB 3X9"/>

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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

Convenience Store with Off Licence, stocking other items alongside alcohol such as cigarettes, vapes, pop, snacks and crisps.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text" value="10"/>
Street	<input type="text" value="Brummie Stokes Court"/>
District	<input type="text" value="Ross Road"/>
City or town	<input type="text" value="HEREFORD"/>
County or administrative area	<input type="text" value="Herefordshire Council"/>
Postcode	<input type="text" value="HR2 7TG"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="TBC"/>
Issuing licensing authority (if known)	<input type="text" value="Herefordshire Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

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

We also recognise that this is a request for an extension of hours within the Late Night Economy district of Hereford City. However a neighbouring premises already has a 24hr Premises Licence which has created no issues to date, and the pre-existing Cumulative Impact Zone has been removed from the City Centre.

We have read the Herefordshire Council Statement of Licensing Policy, and have applied a raft of conditions that mirror those of other near identically configured businesses in close proximity.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other 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') and Council Licensing Department immediately.

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

(a) all crimes reported to the premises (where relevant to the licensing objectives)

(b) all ejections of patrons

(c) any complaints received (where relevant to the licensing objectives)

(d) any incidents of disorder

(e) any refusal of the sale of alcohol

(f) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk-assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

c) Public safety

d) The prevention of public nuisance

4. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

5. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

e) The protection of children from harm

Continued from previous page...

6. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/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 counter advertising the scheme operated.

7. A written 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 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 the Local Authority/Council on demand.

8. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.

INTERNET SALES:

9. The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records of such checks shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.

10. The terms and conditions of the company website will contain the following: -

- a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
- b) An age confirmation requirement when registering to purchase.
- c) Reference to the operating of a Challenge 25 policy.
- d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.

DELIVERIES:

11. The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with 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.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Please visit the 'Premises Licence' webpage on Herefordshire Council's website (www.herefordshire.gov.uk) for the details of the application fee required

* Fee amount (£)

190.00

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

Nick SEMPER

* Capacity

Licensing Agent and Consultant

* Date

25 / 09 / 2023

dd mm yyyy

Add another signatory

Continued from previous page...

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

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="176-23"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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



THE
LICENSING GUYS
KEEPING YOU LEGAL AND TRADING

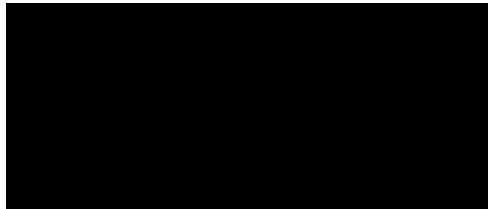
Consent of Individual to being specified as Premises Supervisor

Ako RASOUL

I

.....
[full name of prospective premises supervisor]

of



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

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

The Grant of a Premises Licence

.....
[type of application]

by

Ako RASOUL

.....
[name of applicant]

relating to a premises licence

tba

.....
[number of existing licence, if any]

for a premises called

60 Commercial Road
HEREFORD
Herefordshire
HR1 2BP

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

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

Ako RASOUL

[name of applicant]

concerning the supply of alcohol at

60 Commercial Road
HEREFORD
Herefordshire
HR1 2BP

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for a personal licence, details of which I set out below.

Personal licence number

tba

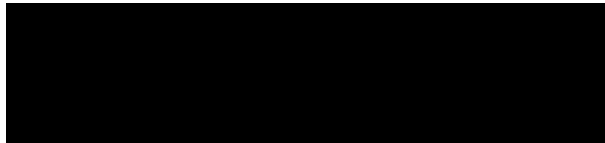
[insert personal licence number, if any]

Personal Licence Issuing Authority

Herefordshire Council

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

Signed

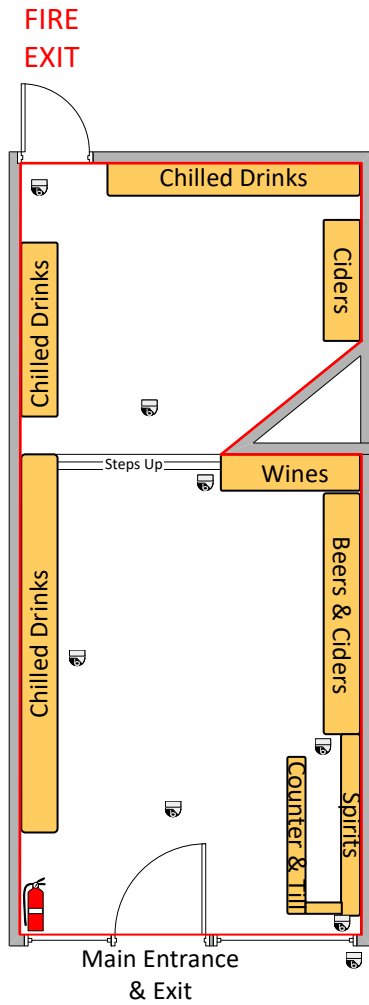


Name (please print)

Ako RASOUL

Date




24th September 2023



Skyblue Liquor

60 Commercial Road
Hereford
HR1 2BP

Scale 1:100

-  CCTV
-  Foam Fire Extinguisher
-  Licensable Activity



Conditions proposed by the applicant

Prevention of Crime & Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised

Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other 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') and Council Licensing Department immediately.

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand

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

- (a) all crimes reported to the premises (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk-assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

Prevention of Public Nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/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 counter advertising the scheme operated.

A written 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 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 the Local Authority/Council on demand.

INTERNET SALES:

The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records of such checks shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.

The terms and conditions of the company website will contain the following: -

- a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
- b) An age confirmation requirement when registering to purchase.
- c) Reference to the operating of a Challenge 25 policy.
- d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.

DELIVERIES:

The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

HEREFORDSHIRE COUNCIL
Licensing Act 2003

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.

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

Your Name: [REDACTED]	Contact Telephone No. [REDACTED]
Address: [REDACTED] [REDACTED]	E-mail address: [REDACTED]
	Please state your interest in the premises you are making a representation about: Local resident and local business
Name & Address of premises you are making a representation about: Skyblue Liquor 60 Commercial Road Hereford HR1 2BP	

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:

To Prevent Crime & Disorder Every night into the early hours of every morning there is already fighting, loud abusive shouting and swearing, people sitting and lying on the pavements and other anti-social behaviour, in the last two weeks alone, there have been numerous fights and the police have made several arrests.
Public Safety Regularly there is already fighting, loud abusive shouting and swearing, people sitting and lying on the pavements and other anti-social behaviour.
To Prevent Public Nuisance Regularly there is already fighting, loud abusive shouting and swearing, people sitting and lying on the pavements and other anti-social behaviour.
To Protect Children from Harm Pubs have a policy, and their staff are trained, not to serve minors and people they consider to be drunk however shops have no such policy or instruction in place and will serve any customer.

Signed: [REDACTED]
Date: 22/10/2023

If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

Representation Form – Interested Parties Suggested Conditions

Premises: [REDACTED]

Your name: [REDACTED]

It would help us with this application if you could suggest conditions you would be happy for the premises to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder Restrict the opening hours to the same as all licenced premises in the road and to have an alcohol consumption Public Spaces Protection Order (PSPO) to prevent the gathering of people to consume alcohol in Commercial Road.
Public Safety Restrict the opening hours to the same as all licenced premises in the road and to have an alcohol consumption Public Spaces Protection Order (PSPO) to prevent the gathering of people to consume alcohol in Commercial Road.
Prevent Public Nuisance Restrict the opening hours to the same as all licenced premises in the road and to have an alcohol consumption Public Spaces Protection Order (PSPO) to prevent the gathering of people to consume alcohol in Commercial Road.
Protect Children from Harm Restrict the opening hours to the same as all licenced premises in the road and to have an alcohol consumption Public Spaces Protection Order (PSPO) to prevent the gathering of people to consume alcohol in Commercial Road.

Signed: [REDACTED]

Date: 22/10/2023

If you have any queries about this form or are unsure of when the statutory period ends please contact the **Licensing Helpline** on **01432 261761**

From: [REDACTED]
Sent: 18 October 2023 10:10
To: Licensing <licensing@herefordshire.gov.uk>
Subject: FW: Memo - Application to Grant a Premises Licence - Skyblue Liquor

Dear [REDACTED]

Hereford City Planning Committee object to the licence being given until 2am against the licensing objectives:

- Prevention Crime & Disorder
- Public Safety
- Prevention of Public Nuisance

Cllrs feel it is likely to exacerbate existing issues on Commercial Street and would like it noted that Commercial Road was recognised within the CIZ which is now historic, but is still an area of issue. They would not object to the licensing time being brought forward to midnight.

Kind regards

[REDACTED]
Administration & Events Manager



T: 01432 260468

[REDACTED]
Hereford City Council
Town Hall, St. Owen Street, Hereford, HR1 2PJ
Website: www.herefordcitycouncil.gov.uk

From: Licensing
Sent: 23 October 2023 17:07
To: [REDACTED]
Subject: RE: Memo - Application to Grant a Premises Licence - Skyblue Liquor

Good afternoon [REDACTED]

Unfortunately we are unable to accept the objection as it is.
We need specific details of the existing issues on Commercial Road and how having a new premises there will make matters worse, before we can look at accepting the objection

Many thanks
[REDACTED]

From: [REDACTED]

Sent: 25 October 2023 16:05

To: Licensing <licensing@herefordshire.gov.uk>

Subject: Skyblue Liquor

[REDACTED]

Thanks for getting touch with us about the City Council's objection. To clarify it is based on the accumulating evidence of disorder and street crime in this part of the City associated with the numerous late night alcohol outlets and the effect of yet another extension. We have to try and reassert some sort of decent ambience for users of the streets in this area and for those living in this part of the city. Each new license or extension incrementally increases the harm being done, hence our objection on public nuisance and crime and disorder grounds. You will already have the figures within Herefordshire Council for crime and anti-social behaviour in this area and no doubt CCTV can provide some back up as well.

[REDACTED]

Town Clerk

Hereford City Council