

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Ashby Stores
LICENCE HOLDER	Mr DHJ Ashby
APPLICANT'S NAME	Chief Constable Paul West
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brigadier P Jones CBE Councillor JW Hope MBE Councillor A Seldon
DATE OF MEETING	9 May 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from PC Thomas and Mr Thorne, the Principal Trading Standards Officer, together with Mr Andrew Gold, the premises licence holder's legal advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

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 31 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.*

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REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote 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.