

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

PREMISES	McColl's
LICENCE HOLDER	Martin McColl Ltd
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor PGH Cutter Councillor A Seldon
DATE OF MEETING	10 August 2009

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 Inspector Thomas, representing the West Mercia Police who had requested the review, together with Mr Crank, Mr Moody and Ms Smith, on behalf of Martin McColl Ltd. They also heard a representation from Mr Thorne, the Principal Trading Standards Officer.

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 Licence be suspended in respect of all licensable activities for a period of 7 days commencing at 0001 on Tuesday 1 September 2009.

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

- Two members of staff must endorse each sale of alcohol by signature.

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(THE LICENSING ACT 2003)****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.

A suspension of the licence was deemed necessary and proportionate to permit time for intensive staff retraining to take place.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

** 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.*