

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

PREMISES	McColl's (Bromyard)
APPLICANT'S NAME	Martin McColl Ltd
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor PGH Cutter Councillor JW Hope MBE
DATE OF MEETING	23 April 2010

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 Councillor A Seldon, representing one of the local residents who had submitted a representation in respect of the application together with Mr Stafford, on behalf of the applicants.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003, the Guidance issued under section 182 of the Licensing act 2003 and the Council's Licensing Policy. They also considered the relevant case law as set out in *The Queen on the application of Hope And Glory Public House Ltd V City of Westminster Magistrates' Court* [2009] EWHC 1996 (Admin). The Members imposed conditions in order to promote the relevant licensing objective, namely the prevention of public nuisance.

HOURS OF LICENSABLE ACTIVITY

	Supply of Alcohol	Open to the Public
Monday	0600 - 2300	0600 - 2300
Tuesday	0600 - 2300	0600 - 2300
Wednesday	0600 - 2300	0600 - 2300
Thursday	0600 - 2300	0600 - 2300
Friday	0600 - 2300	0600 - 2300
Saturday	0600 - 2300	0600 - 2300
Sunday	0600 - 2300	0600 - 2300

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(THE LICENSING ACT 2003)****REASONS**

The Sub-Committee noted that paragraph 10.21 of the Guidance issued under Section 182 of the Licensing Act 2003 stated that;

Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

PREVENTION OF PUBLIC NUISANCE

- Prominent, clear and legible notices must be displayed at all exits which must read 'Please leave the premises and area quietly. Respect the needs of local residents'.

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.