



Title of report: Application for a variation of a Premises Licence in respect of Mill Street Stores, 4 – 6 Mill Street, Hereford, HR1 2NY– Licensing Act 2003.

Meeting: Licensing Sub-committee

Meeting date: Monday 24 August 2026 at 14:00hrs

Report by: Senior Technical Licensing Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford - Central

Purpose

To consider an application for a variation for a Premises Licence in respect of Mill Street Stores, 4 – 6 Mill Street, Hereford. HR1 2NY 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 (*appendix 9*), and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025 (*model conditions appendix 5*).

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003 (*appendix 6, 7 & 8*)

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 the application

Key considerations

Licence Application

2. The application for the variation of a Premises Licence has received relevant representations 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	SVTK Ltd	
Agent	Innpacked Limited	
Type of application: Variation	Date received: 29 June 2026 28 day consultation started: 30 June 2026	28 Days consultation ended: 27 July 2026

Summary of Application

5. The application (appendix 1) requests the variation of a premises licence to allow the following
To extend Sale/Supply of Alcohol (for consumption off the premises) to Monday – Sunday 06:00 – 02:00 and update the conditions on the premises licence.

Current Licence

6. A copy of the current licence issued on 16 December 2025, is attached at Appendix 2. It authorises

Sale/Supply of Alcohol (for consumption off the premises)

Monday-Sunday: 06:00 - 20:00

The licence is also subject to a set of conditions to promote the licensing objectives.

Summary of Representations

7. No representations were received from any of the Responsible Authorities.
8. Four (4) public representations were received in the consultation period from members of the public, which the Licensing Authority accepted as being relevant (Appendix 3).
9. The representations received raise concerns that extending alcohol sales from 06:00 to 02:00 in a predominantly residential area could lead to increased noise, disturbance, anti-social behaviour, traffic movements (which cannot be considered under the licensing regime), litter, and potential impacts on the quiet enjoyment of nearby homes, particularly affecting families and children. Residents and local representatives also expressed concerns that late-night alcohol sales may attract customers after local pubs close, resulting in street drinking, disorder, and additional pressure on police resources, whilst questioning whether there is any demonstrable need for such extended hours. Although much of the evidence provided is speculative and based on the anticipated impact of the variation rather than direct evidence linked to the premises, the concerns raised are broadly directed towards the licensing objectives, particularly the prevention of public nuisance, the prevention of crime and disorder, concerns are also raised in respect of the potential impact on children living in the area and the protection of children from harm.
10. Whilst the Licensing Authority acknowledges that the representations are quite general in nature and only broadly relate to the licensing objectives, having sought advice from its legal adviser they have been accepted as relevant representations. In reaching this view, the Licensing Authority has had regard to the Section 182 Guidance issued under the Licensing Act 2003, which advises that authorities should generally give objectors the benefit of the doubt when determining whether a representation is relevant, provided it is not frivolous, vexatious or otherwise excluded. The representations that were accepted were not considered to be frivolous or vexatious.
11. One (1) representation was received from a member of the public that the Licensing Authority rejected because it did not address the licensing objectives.
12. The representation is considered not relevant as it relies on a general assertion that extended alcohol sales may have a detrimental impact on the area, it provided little detail, without providing evidence of how the variation sought by Mill Street Stores would be likely to undermine the licensing objectives. The concerns relate primarily to noise currently experienced from a separate licensed premises and did not demonstrate a direct connection between the application and the prevention of crime and disorder or public nuisance.

13. On 4 August 2026, the Licensing Authority received correspondence from the applicant's agent requesting that a letter (which can be found at Appendix 4) be forwarded to the objectors on their behalf. The letter sought to address the concerns raised by members of the public. The agent also requested that the Licensing Authority advise whether any responses were received following circulation of the correspondence.

Premises History

14. The premises were first licensed in March 2006.
15. Since first being licensed there have been four (4) applications to transfer the premises licence and vary the designated premises supervisor (DPS) which the Licensing Authority have accepted with the latest one (that is at Appendix 2) granted 16 December 2025.
16. To date, the Licensing Authority has not received any complaints regarding this premises.

Community impact

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

Environmental Impact

18. 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

19. 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.
20. There are no equality issues in relation to the content of this report.
21. 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.

22. 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

23. 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

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

Legal implications

25. 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.
26. 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.
27. 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.
28. 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: -
29. 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.
30. 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.
31. 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 of the licensing objectives'.

32. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

33. Schedule 5, Part 1, Section 1(b) of the Licensing Act 2003 gives a right of appeal which states:

1 Where a licensing authority—

(b) rejects (in whole or in part) an application to vary a premises licence under section 35, the applicant may appeal against the decision.

34. Further to Part 1, Section 1(b), Schedule 5, Part 1, Section 4 states as follows:

Variation of licence under section 35

4 (1) This paragraph applies where an application to vary a premises licence is granted (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.

35. 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

36. 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

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

Appendices

Appendix 1 - Application Form
Appendix 2 – Current Premises Licence
Appendix 3 – Public Representations
Appendix 4 – Letter from applicant to Public objectors
Appendix 5 – Herefordshire Council Model Pool of Conditions
Appendix 6 – Licensing Act 2003 – Sections 18
Appendix 7 – Licensing Act 2003 – Sections 34
Appendix 8 – Licensing Act 2003 – Sections 35
Appendix 9 – Section 182 Guidance (Sections 8 & 9)

Background papers

None identified

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

DPS: Designated Premises Supervisor