

BEFORE HEREFORD COUNCIL LICENSING SUB COMMITTEE HEARING (ONLINE)
MONDAY 24TH AUGUST 2026

Application for the Variation Premises Licence

Under the S.34 Licensing Act 2003

4-6 Mill Street Stores, Mill Street, Hereford HR1 2NY (The Premises)

SVTK Ltd

(Applicant)

Skeleton Argument on behalf the Applicant

Bill Donne, Silver Fox Licensing Consultants

Documents submitted on behalf of the Premises Licence Holder.

A. SECTION 182 GUIDANCE LICENSING ACT 2003

- Part 9.3 to 9.11 Where representations have been made and
- 9.12 Responsible Authorities as experts
- 9.38 give weight to the evidence.
- 1.17 Each application on its own merits
- 1.18 When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits.
- 1.19 In coming to a decision on individual licensing applications, licensing committees should have regard to relevant local plans and strategies – such as those relating to town planning, the night-time economy, or business support

B. HEREFORD COUNCIL: STATEMENT OF LICENSING POLICY

The Policy highlights the need for those operating licensed premises to be aware of the effect their premises **may have on local residents** and to make every effort to **minimise anything** that adversely affects residents' quality of life.

We recognise the **very positive contribution** that **well managed premises** can make to Herefordshire Council's wider objectives through **contributing to the economy** and helping to tackle crime and disorder.

C. HUMAN RIGHTS ACT 1998

The Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol).

This promotes the need for the licensing authority to **reach a balance** between these two principles when making decisions.

D. CASE LAW

It is well established that licensing decisions must be **evidence-based** and proportionate:

- Hope & Glory Public House v City of Westminster [2011] EWCA Civ 31, at [41] – decisions must be rational, justified, and based on the promotion of the licensing objectives. Conditions must be:

Appropriate for the promotion of the licensing objectives (per s.18(2)(a) LA 2003);

*Tailored to the individual premises (Guidance under s.182, para 10.8);

Proportionate and not unduly burdensome (Guidance under s.182, para 1.17).

E. DECISION REQUIRED

To Grant the application for a variation of the Premises Licence from the existing 06:00 hours to 20:00 hours, for the new proposed hours from 06:00 hours through to 02:00 hours the following day.

H. LOCATION (see appendix 1)

The premises are located in a side road leading off from St Owens Street, Hereford.

I. ARGUMENT-MAIN POINTS

1.1 This skeleton argument is submitted on behalf of the Applicant in support of an application to vary an existing premises licence.

1.2 The location of the premises does not fall within a Cumulative Impact Zone.

1.3 The Applicant has the benefit of a current Premises Licence, # PR00966 that under the Licensing Act 2003 authorises the sale of alcohol from 06:00 hours through to 20:00 hours each day operating since 2006.

1.4 The Applicant has not received any complaints in the past from the objectors.

1.5 The Police and Environmental Protection have **not submitted objections** and whilst tacit consent cannot be implied, if there were concerns representations would have been given.

1.6 The Secretary of State guidance to the Licensing Act 2003, under S182, 2.1 Licensing authorities should look to the Police as the main source of advice on crime and disorder.

1.7 The Store is fitted with both internal and external CCTV cameras that can assist in reducing anti-social behaviour and the detection of crime.

1.8 Additional robust conditions have been offered in the original application to promote the four licensing objectives.

1.9 A letter was circulated to the objectors by the Licensing Agent, Innpacked, by way of mitigation, detailing the conditions volunteered in the application to promote the four licensing objectives.

1. 10 The Applicant maintains that the objector's concerns are speculative and not supported by direct evidence.

1.11 The Objector's concerns, while sincere, are not evidence-based in relation to this premises and this operator. The law requires more than generalised concern (Hope & Glory, Bassetlaw).

1.12 The new entries in the S182 Guidance, '1.18 When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits' and 1.19 should have regard to relevant local plans and strategies

1.13 Applicant therefore respectfully requests the Licensing Sub-Committee to grant the application for a variation.

APPENDIX 1: Location map

