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Your ref
Our ref
Ask for Lesley Bennett
Email Lesley.benett@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
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Friday, 15 February 2019

Dear Sir/Madam

LICENSING AND CONSENTS APPEALS COMMITTEE

A meeting of the Licensing and Consents Appeals Committee has been arranged to take place **MONDAY, 4TH MARCH, 2019 at 2.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield to consider the following business.

Access to the Council Chamber is via the Members' Entrance.

Notes to Councillors and Legal Adviser

Please arrive 15 minutes before the start time.

Notes to the applicant, objectors and other parties

Please ask for Lesley Bennett on arrival at the main reception of the District Council Offices, Frog Lane, Lichfield.

Please can you advise Lesley Bennett if you intend to attend the hearing or be represented at the hearing, or further more if you consider the hearing to be unnecessary. In accordance with Regulation 8 of the Licensing Act 2003 (Hearings) regulations 2005 you should inform us no later than 5 working days before the hearing.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Licensing and Consents Appeals Committee

Councillors Mrs Evans, Salter and B Yeates



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AGENDA

1. Apologies for Absence
2. Declarations of Interests
3. Licensing Act 2003 Application for a New Premises Licence for MRH Eastern Avenue, Eastern Avenue, Lichfield 3 - 44



REPORT FOR DECISION

FOR: LICENSING AND CONSENTS APPEALS COMMITTEE

Date: 4 March 2019

Agenda Item: 3

**Contact Officer – Sarah Bradley
Telephone Extension – 308138**

SUBMISSION BY SARAH BRADLEY, SENIOR LICENSING OFFICER

**LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE FOR
MRH Eastern Avenue, Eastern Avenue, Lichfield**

1. PURPOSE OF REPORT

1.1 To consider the application submitted for a new premises licence.

2. SUMMARY OF BACKGROUND INFORMATION

2.1 A premises licence permits “licensable activities”, i.e. the **sale of alcohol** or the **provision of regulated entertainment** or **late night refreshment**, to take place on or from a defined area, a building, part of a building, any vehicle, vessel or moveable structure or even an outdoor space.

2.2 Subject to conditions, definitions and exemptions, descriptions of entertainment to be regulated by the 2003 Act include:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment
- a performance of live music;
- any playing of recorded music;
- a performance of dance.

(This list is not exhaustive.)

2.3 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the majority of the above entertainment activities providing they take place between 08:00-23:00 on any day and the audience size does not exceed the maximum number permitted.

- 2.4 The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 2300 hours and 0500 hours or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.
- 2.5 Advertising a new application is the responsibility of the applicant and is done by way of a blue notice displayed on the premises for a period of 28 consecutive days and by placing a notice in a local newspaper circulating in the area within 10 working days of the application being made.
- 2.6 Representations can be made – in opposition or support of an application - by any responsible authority or other persons likely to be effected by the application regardless of their geographical proximity to the premise. In order to be “relevant” they must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives:-
- *The prevention of crime and disorder*
 - *Public safety*
 - *The prevention of public nuisance*
 - *The protection of children from harm*
- 2.7 Where relevant representations are received a hearing must be arranged for Members to determine the application as it can not be granted under officers’ delegated powers.
- 2.8 A relevant representation has been received from an ‘other person’ in respect of this application.
- 2.9 The licensing authority’s discretion will now be engaged in the form of this hearing.

3. CURRENT SITUATION

- 3.1 An application for a new premises licence has been received from Winckworth Sherwood LLP on behalf of the applicant Malthurst Petroleum Ltd. A copy of the application is attached at **Appendix A**.
- 3.2 The proposal is to licence these premises for:-
- a. Late night refreshment, indoors & outdoors, Monday to Sunday 2300 hours until 0500 hours.
 - b. The supply of alcohol, off the premises, Monday to Sunday 0000 hours until 0000 hours.
 - c. hours premises will be open to the public Monday to Sunday 0000 hours until 0000 hours.
- 3.3 Representations have been received from an ‘other person’, objecting to the application on the grounds that one or more of the licensing objectives would

be undermined. This representation is attached at **Appendix B**.

- 3.4 Should the application be granted Staffordshire Police & Staffordshire Trading Standards, responsible authorities under the Act, have negotiated and agreed with the applicant alternative conditions to those offered in Section M in order to promote the licensing objectives. This will mean that all conditions currently offered in Section M of the application will be replaced by those which are attached at **Appendix C**.

4. CONCLUSION

- 4.1 Members are asked to determine whether the application for a new premises licence as outlined in paragraph 3.2 above in respect of MRH Eastern Avenue be granted, with or without conditions, having due regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 4.2 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy published on 7 January 2016; including for example, if the application falls within the scope of a cumulative impact policy.
- 4.3 Members may not refuse applications in whole or in part or attach conditions to licences (other than those proffered by applicants in their operating schedules), unless it is appropriate to do so in order to promote one or more of the four licensing objectives.
- 4.4 Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
- 4.5 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.
- 4.6 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it.

5. RECOMMENDATION

- 5.1 There are no recommendations.

6. FINANCIAL IMPLICATIONS

- 6.1 The fees for a premises licence are payable on application. They are not refundable should the application be refused.
- 6.2 However, if the application is refused, or granted with conditions, the applicant has the right of appeal to Magistrates' Court against the decision and, if granted by the court, any costs awarded may need to be met by the Council.
- 6.3 Similarly a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it.

7. SUSTAINABILITY AND CLIMATE CHANGE ISSUES

- 7.1 The services for regulation and licensing contribute to the well-being and safety of our residents and towards protecting and providing a high quality and sustainable environment for this and future generations.

8. HUMAN RIGHTS ISSUES

- 8.1 Article 6 of the Human Rights Act 1998, states that in determination of a persons civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- 8.2 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.
- 8.3 Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law and by the general principles on international law.

9. CRIME AND COMMUNITY SAFETY ISSUES

- 9.1 Under the Crime and Disorder Act 1998, particularly Section 17, local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.

10. RISK MANAGEMENT ISSUES

- 10.1 None identified.

Background Documents:

Appendix A – Copy of application for a new premises licence

Appendix B – Copy of representation

Appendix C – Copy of conditions agreed with Staffordshire Police & Trading Standards

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Company.

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Contact Details

E-mail
Telephone number
Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises
For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision will take place inside the premises but customers may leave the premises with items purchased.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises sells alcohol and other age restricted products.

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose .
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

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Continued from previous page...

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lichfield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	AGS/29898/208
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS
PREMISES SUPERVISOR**

I NAZMIN BEGUM

of

[REDACTED]
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new premises licence by MALTHURST PETROLEUM

relating to a premises licence for MRH EASTERN AVENUE, EASTERN AVENUE, LICHFIELD, STAFFORDSHIRE, WS13 7SA

and any premises licence to be granted or varied in respect of this application made by MALTHURST PETROLEUM

concerning the supply of alcohol at MRH EASTERN AVENUE, EASTERN AVENUE, LICHFIELD, STAFFORDSHIRE, WS13 7SA

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence No:

Personal Licence Issuing Authority:

Signed:

Name:

NAZMIN BEGUM

Date:

07/11/2018

MRH EASTERN AVENUE



KEY:

SCALE = 1:100 ON A4 PAPER
SHOP SIZE = 53.83SQ Metres
FE = FIRE EXTINGUISHER
⊙ = CCTV

Licensing Team

Lichfield District Council

Frog Lane

Lichfield

Staffs

WS13 6YU

Lichfield

Staffs

WS13

- 5 FEB 2019

RECEIVED
LICENSING DEPARTMENT
1/2/2019

RE: Licensing application Malthurst Petroleum Limited MRH Eastern Avenue

Dear Sir,

I wish to register my objections to the above application for the following reasons

- 1) There is no need for another outlet selling alcohol in that area, within a two mile radius of the Petrol Station there are the following retailers 2x Co operative stores, The Dr Johnson and Hedgehog Public Houses, Lichfield Social Club, Lichfield Sports Club, Lichfield city Football Club, Tesco Express, Tesco Extra and Lidl supermarkets
- 2) The garage is already a focus for antisocial behaviour and noise nuisance which would be made worse if they were allowed to supply alcohol. This would lead to problems of potential sales to underage customers antisocial behaviour which could be made worse by alcohol and potential conflict between refused customers and staff
- 3) The garage already creates noise nuisance with its tannoy announcements through the night and has been the location for anti social behaviour with group of youths congregating in vehicles on the forecourt before using it a base for racing along Eastern Avenue On one occasion I called the police, the youths had left before the police arrived. The Police drove around the shop building but did not appear to make any enquiries with the garage staff. I spoke to a staff member the next morning who lied to me about whether the garage was open 24 hOrs

The granting of this licence is therefore unnecessary and would also potentially lead to more antisocial behaviour problems in the area

Yours Faithfully

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0110 + TS random
Match !!

Caddy, Tracy

From: Mark Dempsey <Mark.Dempsey@staffordshire.pnn.police.uk>
Sent: 29 January 2019 12:21
To: 'Robert Botkai'; Generic - Licensing
Cc: 'fiona.chapman@staffordshire.gov.uk'; Andrew Sanders; Elaine Finlay; David Evans
Subject: RE: MRH Eastern Avenue, Lichfield, WS13 7SA

Dear Lichfield Licensing and Mr Botkai,

In relation to the recent application for MRH Eastern Avenue, Lichfield, WS13 7SA, I am able to confirm that the Licence conditions [below] are acceptable to Staffordshire Police Licensing.

If these new conditions replace those on the original application, then Staffordshire Police Licensing have no objections to the licence application.

Should this matter be approved, please could these conditions be included on the new licence.

Thank you and kind regards,

Mark Dempsey
Licensing Officer



Burton Police Station
Horninglow Street
Burton-upon-Trent
Staffordshire
DE14 1PA

01785 234774
Mark.dempsey@staffordshire.pnn.police.uk

From: Robert Botkai [mailto:rbotkai@wslaw.co.uk]
Sent: 29 January 2019 11:39
To: 'licensing@lichfielddc.gov.uk'
Cc: 'fiona.chapman@staffordshire.gov.uk'; Andrew Sanders; Elaine Finlay; Mark Dempsey; David Evans
Subject: MRH Eastern Avenue, Lichfield, WS13 7SA

Dear Licensing

Further to additional communications with Trading Standards and the Police the previously agreed conditions have been amended and now read as follows:

I set out the amended conditions below.

1. A CCTV system must be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system must be capable of producing immediate copies on site. Copies of recordings must either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium. Images must be provided to the police or to an authorised officer of the licensing authority within 24 hours of request.
3. Any recording must be retained and stored in a suitable and secure manner for a minimum of 31 days and must be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system must display, on any recording, the correct time and date of the recording.
6. The CCTV system must be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. There must at all times be adequate levels of staff maintained at the premises. Such staff levels must be disclosed, on request, to the licensing authority and police.
8. Adequate waste receptacles for use by customers must be provided in and immediately outside the premises.
9. The premises licence holder must ensure that an age verification policy will apply to the premises whereby all cashiers must be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
11. All staff engaged or to be engaged in the sale of alcohol on the premises must receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.Training records must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
12. All cashiers must be trained to record refusals of sales of alcohol in a refusals book/register. The book/register must contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.
13. An incident book/register must be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

14. All sales tills must prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
15. Signage informing customers of the age verification policy adopted at the premises must be prominently displayed.

Please confirm receipt of this email.

Kind regards

Robert

From: Robert Botkai
Sent: 22 January 2019 10:59
To: licensing@lichfielddc.gov.uk
Cc: fiona.chapman@staffordshire.gov.uk; Andrew Sanders; Elaine Finlay
Subject: MRH Eastern Avenue, Lichfield, WS13 7SA
Importance: High

Dear Licensing

I am authorised to amend the application for the above premises to include the following additional conditions as agreed with Trading Standards:

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

The book/register shall be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

3. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register shall be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
5. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

Please confirm receipt of this email.

Kind regards

Robert

From: Chapman, Fiona (F&C) [<mailto:fiona.chapman@staffordshire.gov.uk>]

Sent: 22 January 2019 10:41

To: Robert Botkai

Cc: licensing@lichfielddc.gov.uk

Subject: RE: MRH Eastern Avenue, Lichfield, WS13 7SA

Importance: High

This message originated outside Winckworth Sherwood

Good Morning Robert,

Thank you for the amended conditions. Trading Standards will not have any representations to make should these conditions be endorsed onto the premise licence.

Kind regards Fiona

From: Robert Botkai <rbotkai@wslaw.co.uk>

Sent: 16 January 2019 16:23

To: Chapman, Fiona (F&C) <fiona.chapman@staffordshire.gov.uk>

Cc: Andrew Sanders <asanders@wslaw.co.uk>

Subject: MRH Eastern Avenue, Lichfield, WS13 7SA

Importance: High

Dear Fiona

Thank you for your email dated 16 January addressed to Andrew Sanders.

I am authorised to amend the application to include the following conditions additional to those already set out in the operating schedule.

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

The book/register shall be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

3. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register shall be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
5. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

Please confirm that this is agreed. We will then notify the licensing officer of the additional conditions and will copy you in.

Kind regards

Robert

From: Chapman, Fiona (F&C) [<mailto:fiona.chapman@staffordshire.gov.uk>]
Sent: 16 January 2019 13:47
To: Andrew Sanders <asanders@wslaw.co.uk>
Subject: Malthurst Petroleum, MRH Eastern Avenue, Lichfield, WS13 7SA
Importance: High

This message originated outside Winckworth Sherwood

To Mr Sanders,

Thank you for application for a premise licence for Malthurst Petrol Station.

I represent Trading Standards as a Responsible Authority under the Licensing Act. At present I do not feel that the conditions outlined in your operating schedule are specific enough to promote the protection of children from harm licensing objective. Please refer to the attached conditions which are more specific to enable promotion of the licensing objective.

Please confirm acceptance of the conditions, I will then Lichfield licensing team who will ensure that the conditions are endorsed onto the licence.

I look forward to hearing from you by the 23rd Jan 2019.

Fiona Chapman

Senior Community Safety Officer
Community Services
Staffordshire County Council
20 Sidmouth Avenue
Newcastle-under-Lyme
ST5 0QN

Tel: 01782 297012

Fax: 01782 297010

Email: fiona.chapman@staffordshire.gov.uk

Website: www.staffordshire.gov.uk

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Winckworth Sherwood

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LICENSING AND CONSENTS APPEALS COMMITTEE

Further Information

- Copies of the representations received are enclosed with the Licensing Authority's report and made available to the Licensing and Consents Appeals Committee
- You are entitled to attend the meeting if you wish. You may also be assisted or accompanied by another person. You are also entitled to be represented by any person whether or not they are legally qualified.
- You will have the opportunity to address the Licensing and Consents Appeals Committee and will be able to question any other party.
- The Legal Adviser present to aid the Committee may question any party or approved representative to ensure that the hearing is conducted fairly and to clarify any matter arising.
- Please note that if you do not attend, the Licensing and Consents Appeals Committee may still consider the matter in your absence. However the Licensing and Consents Appeals Committee will still consider any application or representations that you have made at the meeting.
- The Licensing and Consents Appeals Committee has the right to exclude any person who is being disruptive although they may be permitted to return on specified conditions. However, if they had been entitled to provide information verbally to the hearing, they will still retain the right to provide that information in writing.
- The enclosed Procedure will be the one followed at the Committee hearing.

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**PROCEDURE TO BE FOLLOWED FOR CONSIDERATION OF
APPLICATIONS FOR PREMISES OR PERSONAL LICENSES
HAVING REGARD TO THE LICENSING ACT 2003**

(The Licensing Act 2003 (Hearings) Regulations 2005 require that a hearing shall take the form of a discussion led by the Authority and generally cross examination shall not be permitted. The procedure set out below is designed to give some structure to the Hearing and all parties should be aware that the hearing could continue in the absence of the applicant if they fail to attend or fulfil their obligations to the Licensing authority.)

1. The Chairman will introduce the Members of the Committee and invite those present at each hearing to introduce themselves.
2. The Chairman will ask those present if they are aware of and understand the Procedure to be followed. No additional representations to that already submitted can be considered.
3. The Licensing Officer will present the application and report.
4. The Applicant will present his/her application and may comment on any representations made.

The Panel, responsible authorities and interested parties may ask questions of the Applicant through the Chair.

5. Responsible authorities will then be allowed to make their representations in respect of the application.

The Panel and Applicant may ask questions of the responsible authorities through the Chair

6. Interested Parties who have made written representations will then be allowed to make their representations in respect of the application.

The Panel and Applicant may ask questions of the interested parties through the Chair.

7. Finally, the Applicant or his representative can make a short closing speech.
8. All parties will then withdraw to allow the Committee to consider the case. When a decision is made all parties will return and be told the decision and reasons for that decision by the Chairman of the Committee. Written notice of the decision will follow.

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