

MINUTES of the meeting of Regulatory Sub Committee held at The Committee Room, Brockington, 35 Hafod Road, Hereford on Monday 17 October 2011 at 9.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PL Bettington and Brig P Jones CBE

52. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

53. APOLOGIES FOR ABSENCE

No apologies for absence were received.

54. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made.

56. REPRESENTATION AGAINST INTERIM STEPS 'NATALKA POLSKIE, 22 EIGN STREET, HEREFORD, HR4 0AB.'

Prior to the representation against interim steps being considered the Sub-Committee were required to consider a preliminary point in respect of the validity of the representation. It was noted that the representation could only be made by the premises licence holder and Mr Phillips was asked to confirm that he was representing Mr Dibinski as well as Mr Staliglowa. This confirmation was received with Mr Phillips confirming that he was fully instructed to represent both parties, therefore the Sub-Committee were happy to proceed.

The meeting was adjourned for a short period of time to give all parties sufficient time to view the additional papers that had been served prior to the meeting.

Mr Mooney, West Mercia Police's Licensing Officer, gave details of the grounds for the expedited review.

Mr Phillips, representing the premises licence holder, had concerns in respect of the appeal and questioned whether the issues outlined by the Police actually amounted to serious crime and disorder. He also felt that the Police should have expected to answer questions in respect of the appeal at this stage of the process.

As a point of clarification the Licensing Officer advised all parties that that hearing was being held in accordance with the Licensing Act Regulations for Hearings 2005 which stated that cross examination should not take place and that any questioning should be solely to address points of clarification.

In response to a question from Mr Phillips, Mr Mooney confirmed that he had spoken to Chief Superintendent Charles Hill who had confirmed that the expedited review was still relevant.

After further debate he confirmed that the Chief Superintendent would have taken into account all relevant factors before taking the decision to serve the certificate.

Mr Mooney advised the Sub-Committee that a number of factors he was being asked to address were part of an ongoing investigation and he was unable to answer specific questions at the current stage.

The Sub-Committee also heard from Mr Staliglowa who gave a detailed account of the circumstances surrounding the expedited review. He presented a letter from his accountant confirming that it would not be unusual for him to be in possession of substantial amounts of cash due to the nature of his business.

All parties were given the opportunity to sum up their comments in a brief closing statement.

RESOLVED:

THAT the Sub-Committee decides that it would be premature to alter the interim steps put in place at the expedited review. The Sub-Committee invites the Police to provide evidence at the forthcoming review hearing to deal with issues raised by the premises licence holder including the amount of cash seized from the premises.

The meeting ended at 11.25 am

CHAIRMAN