

# Agenda

## Licensing sub-committee

Date: **Thursday 2 November 2017**

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Time: **10.00 am**

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Place: **Committee Room 1, The Shire Hall, St Peter's Square,  
Hereford, HR1 2HX**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Caroline Marshall, Governance Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor DW Greenow  
Councillor PGH Cutter  
Councillor PJ Edwards

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS CALLED BY HEREFORDSHIRE COUNCIL AS THE LICENSING AUTHORITY' - LICENSING ACT 2003</b> To consider an application for a review of a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by Herefordshire Council as the licensing authority.	9 - 52



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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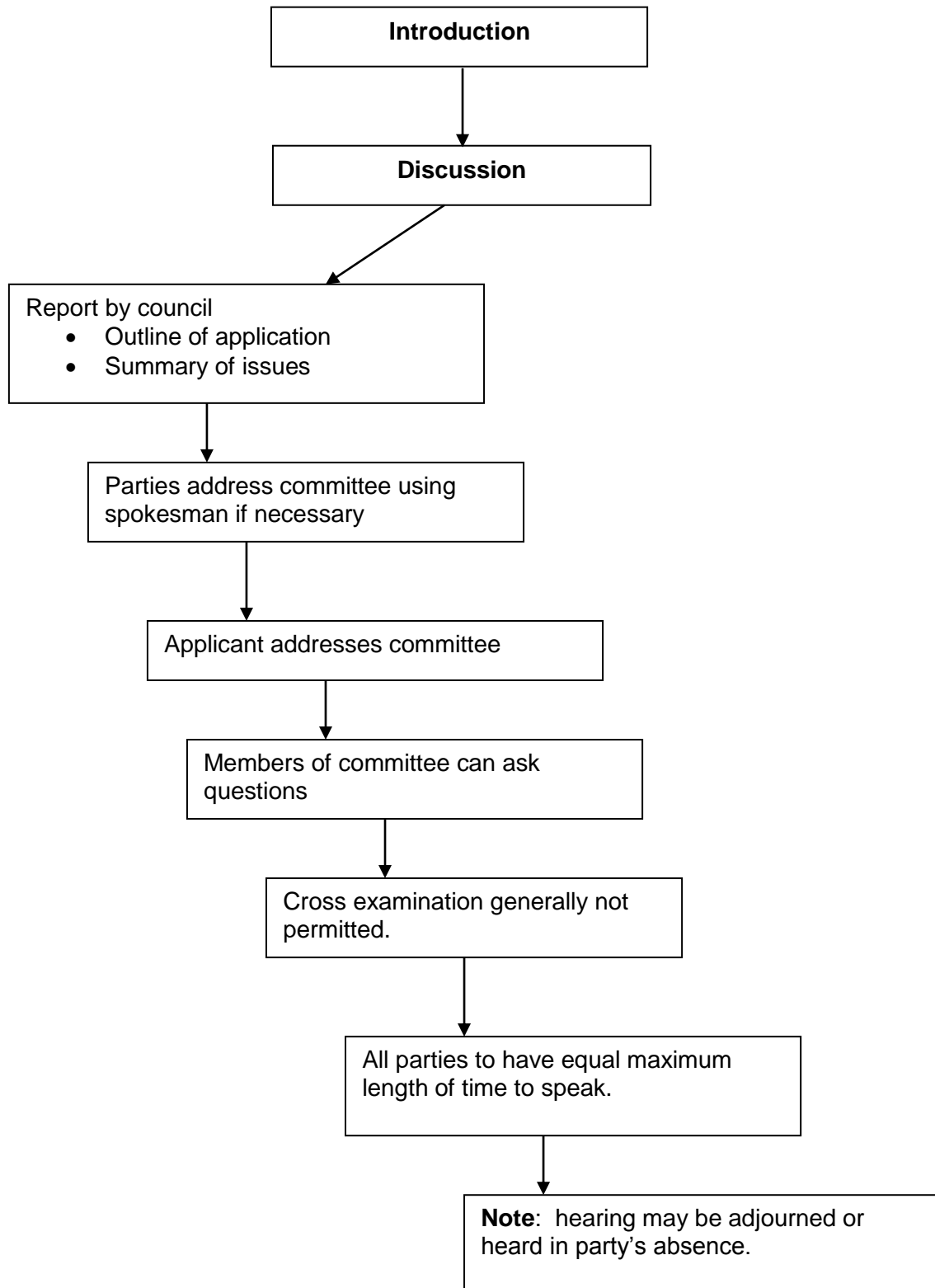
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## Licensing Hearing Flowchart









<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>2 November 2017</b>
<b>Title of report:</b>	<b>Review of a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by Herefordshire Council as the licensing authority' - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Hinton and Hunderton.

## Purpose

To consider an application for a review of a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS called by Herefordshire Council as the licensing authority.

## Recommendation

**THAT:**

**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:**

- **The steps that are appropriate to promote the licensing objectives,**
- **The licensing authority's application for the review,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties, and**
- **The Herefordshire Council licensing policy.**

## Options

1. There are a number of option open to the committee in relation to the review:
  - the modification of the conditions of the premises licence;
  - the exclusion of any licensable activities from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively it is open to the licensing authority to determine that no action is required to promote the licensing objectives or issue an informal warning in writing to the licence holder and/or to recommend improvement within a specified period of time.

## Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

## Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
  - relate to one or more of the licensing objectives;
  - have not been withdrawn; and
  - are made by the premises licence holder, a responsible authority or an interested party
6. The details of the application are:

Applicant	Herefordshire Council as the licensing authority Represented by: Fred Spriggs	
Agent	N/K	
Type of application: Review	Date received: 8 September 2017	28 Days consultation ended 5 October 2017

## Summary of Application

7. The application for the review is attached (appendix 1)
8. Copies of the application were sent to the premise licence holder and responsible authorities.

9. In brief the licensing authority's grounds for the review are:

*The premises licence was issued following a hearing held by the Licensing Sub-committee on 10 April 2017. The licence issued was subject to a number of conditions. Since the licence has been issued there have been a number of visits to the premises by both the police and the licensing authority. On each of these visits the conditions shown attached to the premises licence have not been complied with. On a visit today they were still not being complied with and as a result this review has been launched.*

10. Further additional supporting information has been provided by the licensing authority contained within their application at page 4.

### **Premises History**

11. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
12. On 22 November 2016 a joint operation involving West Mercia Police and Herefordshire Council trading standards was undertaken which resulted in a large quantity (approx. quarter of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
13. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.
14. As a result the police launched an expedited review on 25 November 2016.
15. The licence was suspended on 29 November 2016 following the expedited review hearing before this committee.
16. A full review hearing was held on 15 December 2016 and this committee revoked the premises licence.
17. A new application was made for a premises licence on 18 February 2017 following the premises having been sold to Hardi Mohammed
18. Representations were received from West Mercia Police and trading standards.
19. Although the representations were agreed the matter was brought before the committee in relation to an issue concerning the lease.
20. The matter appeared before the committee on 10 April 2017 and the matter was withdrawn following production of the lease.
21. As a result the licence was issued.

### **Current Licence**

22. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Supply/Sale of Alcohol (Off Premise) Monday - Sunday 08:00-24:00

23. The licence is also subject to a number of conditions.

### **Circumstances leading to the review**

24. On 25 April 2017 the licensing officer noticed that condition 6 of the premises licence (unobstructed view into the premises) was not being complied with.

25. As a result he wrote to the premises licence holder to inform him of the breach of the condition (appendix 3).
26. On 12 May West Mercia Police attended the premises and reported to the licensing authority (appendix 4) that condition 6 was not being complied with, with virtually all of the windows and doors still covered. They also handed the person in charge of the premises a copy of the letter sent by the licensing officer on 26 April.
27. The police officer took photographs of the windows at the premises (appendix 5 and 6)
28. On 17 June the police reported to the licensing authority, by telephone, that the windows still remained covered.
29. On 29 June the licensing officer visited the premises and found that conditions 1, 2, 3, 5, 6, 7, 8 and 9 of the licence were not being complied with.
30. The licensing officer took a number of photographs (appendix 7, 8 and 9).
31. He wrote to the premises licence holder to inform him of the breaches of the conditions of the licence (appendix 10).
32. On 30 July the police attended the premises in relation to a crime. The person in charge of the shop was unable to play the CCTV recording to the police. They shared this information with the licensing authority (appendix 11).
33. On 11 August the licensing officer attended the premises again, where the premises licence holder was present. He found that conditions 2, 6 and 7 were still not being complied with.
34. As a result this review was launched.

### **Summary of Representations**

35. One (1) representation (appendix 12) has been received from the responsible authorities (West Mercia Police).
36. No other representations have been received.

### **Community Impact**

37. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

38. 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.
39. 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.

40. There are not considered to be any equalities implications arising from this report.

## **Financial implications**

41. There are unlikely to be any financial implications for the authority at this time.

## **Legal Implications**

42. 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.
43. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report. Licensing authorities should, so far as possible, seek to establish the cause or causes that the representations identify. It is expected that the remedial action taken should generally be directed at these causes and should always be no more than appropriate and proportionate response to address the causes of concern that instigated the review.
44. 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.
45. In this case it was summed up that: -
- 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.
46. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
47. This judgement 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:
48. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
49. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

50. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision

### **Risk Management**

51. 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**

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

### **Appendices**

- Appendix 1 - Application for the review of the premises licence
- Appendix 2 - Current premises licence
- Appendix 3 - Letter from the licensing authority to the premises licence holder following the visit on 25 April.
- Appendix 4 - Emailing concerning police visit on 12 May
- Appendix 5 - Photograph of premises on 12 May supplied by the police
- Appendix 6 - Photograph of premises on 12 May supplied by the police
- Appendix 7 - Photograph of the premises taken by the Licensing Officer on 29 June
- Appendix 8 - Photograph of the premises taken by the Licensing Officer on 29 June
- Appendix 9 - Photograph of the premises taken by the Licensing Officer on 29 June
- Appendix 10 - Warning letter from the licensing authority to premises licence holder following the visit on 29 June
- Appendix 11 - Email from the police following their visit on 30 July
- Appendix 12 - Police representation

### **Background Papers**

None

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**We** Herefordshire Council as the Licensing Authority

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Mila, 102-104 Belmont Road	
<b>Post town</b> Hereford	<b>Post code (if known)</b> HR2 7JS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Hardi Mohammed
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<b>Number of premises licence or club premises certificate (if known)</b> PR01758
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Fred Spriggs  
Licensing Officer  
Herefordshire Council as the Licensing Authority

Telephone number (if any)

01432 261761

E-mail address (optional)

licensing@herefordshire.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)

The premises licence was issued following a hearing held by the Licensing Sub-committee on 10<sup>th</sup> April 2017. The licence issued was subject to a number of conditions. Since the licence has been issued there have been a number of visits to the premises by both the police and the licensing authority. On each of these visits the conditions shown attached to the premises licence have not been complied. On a visit today they were still not being complied with and as a result this review has been launched.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On 10<sup>th</sup> April 2017 the premises licence was issued following a hearing with conditions. In addition to the mandatory conditions the following conditions were attached to the licence:

1. *CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.*  
*Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.*  
*Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.*  
*The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.*  
*In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately*
  
2. *An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:*
  - (a) all crimes reported to the venue (where relevant to the licensing objectives)*
  - (b) all ejections of patrons*
  - (c) any complaints received (where relevant to the licensing objectives)*
  - (d) any incidents of disorder*
  - (e) any faults in the CCTV system or searching equipment or scanning equipment*
  - (f) any refusal of the sale of alcohol*
  - (g) any visit by a relevant authority or emergency service*
  
3. *All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.*
  
4. *Personal Licence Holder to be on the premises at all times.*
  
5. *A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:*
  - A. Details of all persons employed at the premises in any capacity.*
  - B. Date of birth of the person.*
  - C. The full name of the person.*
  - D. Their current address.*
  - E. Their national insurance number.*
  - F. Their passport details.*
  - G. In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.*

*H. In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinite in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided. All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.*

- 6. The premises licence holder will ensure that there is unobstructed view at all times into the licensable area of the premises. This will mean at least 75% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. Obstruction includes any permanent or temporary signage placed on the glass surfaces of windows and doors.*
- 7. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.*
- 8. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.*
- 9. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.*

On 25<sup>th</sup> April the Licensing Officer drove past the premises and noticed that condition 6 was not being complied with. As a result he wrote to the premises licence holder the following day to inform him what he had seen and what the condition required him to do.

On 12<sup>th</sup> May West Mercia Police attended the premises and report to the licensing authority that condition 6 was not being complied with, with virtually all of the windows and doors still covered. They also handed him a copy of the letter sent by the Licensing Officer on 26<sup>th</sup> April.

On 17<sup>th</sup> June police reported to the Licensing Authority that the windows still remained covered.

On 29<sup>th</sup> June the Licensing Officer visited the premises and found that conditions 1, 2, 3, 5, 6, 7, 8 and 9 were not being complied with. The Licensing Officer wrote to the premises licence holder to inform him of the breaches of the conditions of the licence. The advice given by the authority was that we may seek a closure order after 7 days if the conditions were not complied with.

On 30<sup>th</sup> July the police attended the premises in relation to a crime. The person in charge of the shop was unable to play the CCTV recording to the police. They shared this information with the Licensing Authority.

On 11<sup>th</sup> August the Licensing Officer attended the premises again, where the premises licence holder was present. He found that conditions 2, 6 and 7 were still not being complied with. As a result this review was launched.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 7<sup>th</sup> September 2017

Capacity Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.





LICENSING ACT 2003  
Part A - Premises Licence

**Premises licence number - PR01758 (Grant of Premises Licence)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**For consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**



Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Hardi Mohammed**



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number – xxxxxxxxxxxx**

**Issuing Authority – xxxxxxxxxxxx**

**Annex 1 - Mandatory conditions****Mandatory conditions where licence authorises supply of alcohol****Age verification**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing conditions**

#### **General**

#### **Prevention of Crime and Disorder**

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Personal Licence Holder to be on the premises at all times.

A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:

- A. Details of all persons employed at the premises in any capacity.
- B. Date of birth of the person.
- C. The full name of the person.
- D. Their current address.
- E. Their national insurance number.
- F. Their passport details.
- G. In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
- H. In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinite in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

The premises licence holder will ensure that there is unobstructed view at all times into the licensable area of the premises. This will mean at least 75% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. Obstruction includes any permanent or temporary signage placed on the glass surfaces of windows and doors.

### **Public Safety**

### **Prevention of Public Nuisance**

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Licensing Section, Herefordshire Council  
8 St Owen Street, Hereford. HR1 2PJ**

**Protection of Children from Harm**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**Annex 3 - Conditions attached after a hearing by the licensing authority  
Not applicable**

**Annex 4 - Plans  
As attached – dated 17.02.2017**

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number - PR01758 (Grant of Premises Licence)  
Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Mila  
102-104 Belmont Road  
Hereford  
Herefordshire  
HR2 7JS**

Telephone number: **07779 351620**

Where the licence is time limited the dates:

**Not applicable**

Licensable activities authorised by the licence

**SALE OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday - Sunday 08:00-24:00**

The opening hours of the premises

**Monday - Sunday 08:00-24:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**For consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Hardi Mohammed**



Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Hardi Mohammed**

State whether access to the premises by children is restricted or prohibited

**The premises shall operate a Challenge 25 Policy**





## Economy, Communities and Corporate Directorate

Director: Geoff Hughes

Hardi Mohammed

Your Ref:

Our Ref: EB/PR00414

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

26<sup>th</sup> April 2017

Dear Sir/Madam

### LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

**Mila, 102-104 Belmont Road, Hereford. HR2 7JS**

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions that are to be complied with.

On Tuesday 25<sup>th</sup> April 2017 at about 6pm I had occasion to drive past your premises. I was unable to see into the premises.

Your licence is issued with a condition on it which reads:

*The premises licence holder will ensure that that there is unobstructed view at all times into the licensable area of the premises. This will mean at least 75% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. Obstruction includes any permanent or temporary signage placed on the glass surfaces of windows and doors.*

It is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation again we **may** take enforcement action against you.

Yours faithfully,

**FRED SPRIGGS**  
**LICENSING OFFICER**  
**ENVIRONMENTAL HEALTH & TRADING STANDARDS**  
**HEREFORDSHIRE COUNCIL**

Cc West Mercia Police





**From:** [Westlake.Adam](mailto:Westlake.Adam)  
**To:** [Spriggs.Fred](mailto:Spriggs.Fred)  
**Subject:** RE: Licensing  
**Date:** 12 May 2017 15:57:54

---

Good Afternoon,

I have revisited the shop and spoke to the Iwona. I have reiterated that the windows need to be clear and shelves removed. I have handed her a copy of the letter that was sent on the 26th April. I also mentioned that if they didn't comply; that a closure on the premises is highly likely.

Kind regards  
Adam

-----Original Message-----

From: Spriggs, Fred [<mailto:fspriggs@herefordshire.gov.uk>]  
Sent: 12 May 2017 13:30  
To: Westlake,Adam <[adam.westlake@westmercia.pnn.police.uk](mailto:adam.westlake@westmercia.pnn.police.uk)>  
Subject: RE: Licensing

Hi Adam

I wrote to them on 26th April concerning this. I am mindful now that they have not complied with my request. I am intending to attend the premises and serve on them a 'Closure Notice' under Section 19 of Criminal Justice and Police Act. In effect if they do not comply with the conditions we would then go to the Magistrates and ask for a Closure Order which in effect would close the premises.

I believe that the way the condition is worded, that yes they will have to remove the shelving.

Hope that helps and will keep you updated.

Thanks  
Fred

-----Original Message-----

From: Westlake,Adam [<mailto:adam.westlake@westmercia.pnn.police.uk>]  
Sent: 12 May 2017 13:22  
To: Spriggs, Fred  
Subject: FW: Licensing

Good Afternoon,

I have visited Mila Stores on the Belmont Road Hereford.

As you can see most of their windows are boarded up. Behind the board are shelving units containing food items.. Before I go back and advise accordingly I just wanted to seek some clarification. Would all of those shelving units need to be removed as well as the boards .

Kind Regards  
Adam

-----Original Message-----

From: Adam Westlake [[mailto:westlake\\_hereford@hotmail.com](mailto:westlake_hereford@hotmail.com)]  
Sent: 12 May 2017 09:49  
To: Westlake,Adam <[adam.westlake@westmercia.pnn.police.uk](mailto:adam.westlake@westmercia.pnn.police.uk)>  
Subject: Licensing

Mila

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**Economy, Communities and Corporate Directorate**

Director: Geoff Hughes

**Hardi Mohammed**  


Your Ref:

Our Ref: EB/PR00414

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)29<sup>th</sup> June 2017

Dear Sir

**LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY****Mila, 102-104 Belmont Road, Hereford. HR2 7JS**

I refer to the premises licence issued in respect of the above premises.

You may recall that I wrote to you on 26.4.17 concerning the doors and windows still being covered in contravention to the condition of the licence.

As you are aware I visited the premises again today and found numerous breaches of the licence.

These were:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately

***The person in charge of the shop Mrs  was unable to show me the location of the CCTV, let alone download any recording.***

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
  - (a) all crimes reported to the venue (where relevant to the licensing objectives)
  - (b) all ejections of patrons
  - (c) any complaints received (where relevant to the licensing objectives)
  - (d) any incidents of disorder

- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

**Mrs [REDACTED] was unable to find any incident log.**

3. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**No training records were available.**

4. A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:
  - A. Details of all persons employed at the premises in any capacity.
  - B. Date of birth of the person.
  - C. The full name of the person.
  - D. Their current address.
  - E. Their national insurance number.
  - F. Their passport details.
  - G. In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
  - H. In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinite in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

**There was no log book present.**

5. The premises licence holder will ensure that that there is unobstructed view at all times into the licensable area of the premises. This will mean at least 75% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. Obstruction includes any permanent or temporary signage placed on the glass surfaces of windows and doors.

**99% of the windows are either covered by stickers or have shelving over them. The condition requires an unobstructed view into the licensed area of the premises through 70% of the windows.**

6. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**There were no signs displayed.**

7. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

**Whilst there were some notices displayed they did not meet the requirements in respect of size.**

8. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

***There was no refusals register available.***

9. The Licensing Act 2003 requires that the Premises Licence shall be kept at the premises and production upon request.

**Mrs [REDACTED] was unable to produce this.**

10. The Act also requires that a Summary of the Licence shall be displayed at the premises where it can be seen by members of the public.

**The summary was not displayed.**

Both of the above are offences.

During the visit to the premises a Section 19 Closure Notice was issued under the Criminal Justice and Police Act 2001. The rear of the form explains the effects of the serving of this notice.

The form served, which was left at the premises in the possession of Mrs [REDACTED] and this letter explains what breaches of the licence are occurring. You now have a period of **7 days** in which to address these issues. If at the end of this period the premises continues to sell alcohol without complying with the licence conditions, then the Licensing Authority will make application to the Magistrate's Court to change this closure notice into a closure order. If that happens and alcohol is still being sold and the conditions are not being complied with, then the court can order that the premises shall be closed to the public, that alcohol sales shall cease and that a sum of money which they shall decide shall be deposited at the court and held until such time as the order has been complied with.

In addition, it is an offence under Section 136 of the Licensing Act 2003 for a premises to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). This means that if conditions are not complied with the sale of alcohol is unauthorised. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

Even though the Section 19 notice has been issued it does not mean that the offence of unauthorised sale cannot be committed. Whilst the conditions are not complied with each and every sale is unauthorised and is an offence.

Yours faithfully,

**FRED SPRIGGS  
LICENSING OFFICER  
ENVIRONMENTAL HEALTH & TRADING STANDARDS  
HEREFORDSHIRE COUNCIL**

Cc West Mercia Police





**From:** [Mooney, James](#)  
**To:** [Spriggs, Fred](#)  
**Subject:** Mila, Belmont Road, Hereford  
**Date:** 31 July 2017 09:22:23

---

NOT PROTECTIVELY MARKED

Police visit to Mila, Belmont Road, Hereford

30/07/2017 11:45

VISITED THE STORE TO VIEW CCTV IN RELATION TO xxx 270717. I SPOKE WITH ESTERA MISA WHO SHOWED ME HER LICENCE. SHE WAS UNABLE TO WORK THE CCTV AND ASKED WHETHER I COULD COME BACK TOMORROW WHEN HER BOSS WAS IN, AS HE KNOWS HOW TO WORK THE SYSTEM. THE MAJORITY OF THE WINDOWS ARE STILL COVERED OR OBSCURED.

Jim Mooney  
Harm Reduction/Community Safety Dept.,  
Licensing & Harm Reduction Coordinator,  
Policing Unit - Herefordshire,  
West Mercia Police.  
DDI 01432 347102  
Switchboard '101' x 4702  
[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)  
In Herefordshire we protect people from harm  
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The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.

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**From:** [Mooney, James](#)  
**To:** [Licensing](#)  
**Cc:** [Reynolds, Duncan](#)  
**Subject:** Mila, Belmont Road, Hereford - licensing review  
**Date:** 22 September 2017 09:57:00

---

## NOT PROTECTIVELY MARKED

West Mercia Police has the following representations with regards to the review application for **Mila Convenience Store, Belmont Road, Hereford.**

This premises has been subject to a previous licensing review in 2016. The review concerned criminal activity with regards to the sale of contraband or smuggled tobacco. The matter was deemed as serious and was subject to the expedited process. The review was granted and the premises licence was revoked in November 2016.

As you are aware an application was made to re-licence the premises in March 2017. Initially West Mercia Police objected to this application, however during the consultation period an agreement was met with the applicant with regards to applying proportionate conditions to the premises licence in order to promote the licensing objectives. These conditions are attached to the current premises licence and therefore are required to be complied with.

The premises is located on a busy road leading into Hereford. It attracts large numbers of walk in customers. Due to the previous serious criminal conduct, it was agreed that a condition be applied to the premises licence to allow clear and unobstructed view into the premises at the front of the premises in order to address the concerns of West Mercia Police and in order to promote the licensing objectives. This was very simple to address and purely involved removing window and door coverings that were blocking out all sight into the premises. This has not happened and is still the current position, albeit some of the window coverings have been removed.

West Mercia Police can say that they have undertaken the following observations/interventions in order to address their concerns:

12/05/2017 - police visit to the premises - windows coverings still in place - licence breach.

03/07/2017 - police observed windows and door coverings still in place

12/07/2017 - police observed windows and door coverings still in place

27/07/2017 - police observed windows and door coverings still in place.

30/07/2017 - police visit to the premises with regards to a theft allegation, staff member unable to operate CCTV system. Windows and door still covered and view into the premises obstructed.

West Mercia Police came to an agreement with the applicant in good faith and on an understanding and expectation that those conditions applied to the premises licence would be adhered to at all times. This is not the case and as such it is clear that there a number of breaches of the law - evidenced by the police and the Licensing Authority - that show that the premises licence holder has had scant regard to complying with the premises licence and therefore effectively promoting the licensing objectives. It is our view that with exception to the expedited review process a summary licensing review is only undertaken usually as a last resort when all other avenues have been exhausted with regards to advice, support and warnings.

The police position remains the same with regards to the current conditions applied to the premises licence - that is they were agreed by the applicant when he applied for the premises licence and that they are proportionate, achievable and enforceable in order to promote the licensing objectives. They should all remain in place in order to promote the licensing objectives.

With regards to disposing of the licensing review, West Mercia Police are of the opinion it should be granted and as such, the premises licence holder be compelled to comply with all of the current conditions attached to the premises licence immediately. Consideration should be given to suspend the premises licence due to the serious nature of the breaches that have been caused totally by the premises licence holder who has refused to comply with the law.

Regards

Jim Mooney (on behalf of Ps 3456 Reynolds)  
Harm Reduction/Community Safety Dept.,  
Licensing & Harm Reduction Coordinator,  
Policing Unit - Herefordshire,  
West Mercia Police.  
DDI 01432 347102  
Switchboard '101' x 4702  
james.mooney@westmercia.pnn.police.uk  
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