

**Minutes of the meeting of Licensing sub-committee held at  
Committee room 1, The Shire Hall, St Peter's Square, Hereford,  
HR1 2HX on Monday 6 November 2017 at 2.00 pm**

**Present:** Councillor DW Greenow (Chairman)  
Councillors: BA Baker and AJW Powers

**Officers:** Emma Bowell

**76. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**77. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

**78. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**79. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF:  
MUNCHIES, 59 COMMERCIAL ROAD, HEREFORD. HR1 2BP - LICENSING ACT  
2003**

Members of the licensing subcommittee of the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the members heard from Emma Bowell, licensing technical officer, Sergeant Duncan Reynolds, West Mercia Police and Jim Mooney, West Mercia Police. Members also heard from premises licence holder, Bahroz Saeed (of Hereford Munchies Limited), previous premises licence holder, Ardalan Ghafour and premises licence holder's solicitor, Mr Abhi Mohindru.

The committee carefully considered all the representations made, the statutory framework as well as having regard to the statutory guidance and Herefordshire licensing policy.

Sergeant Duncan Reynolds representing West Mercia Police set out the police objection to the variation of the licence for Munchies. Neither the premises licence holder's solicitor nor the premises licence holder had been in contact with the police to discuss the concerns raised. Munchies is located in Commercial Road and is in the hub of the late night economy area of Hereford city centre and within the council's special cumulative impact policy. The special cumulative impact policy has been in effect since 2008 and is still relevant. The view of the police was that to grant the additional hours would undermine the crime and disorder licensing objective and could potentially lead to an increase in anti-social behaviour. The premises licence holder has failed to show how they will further promote the licensing objective and how by granting the licence the special cumulative impact policy would not be undermined. The premises were located next to the main taxi rank for the city centre which operates throughout the

evening and night. This has the impact of additional people moving through area, either using the taxis or visiting fast food outlets.

During 2017, there had a number of incidents of non-compliance with the premises licence. There had been disorder incidents on 11 February, 9 April and 9 July. With regard to the incident on 11 February, police officers had to use force to disperse people fighting. Following this incident the police had requested CCTV footage and on the first request had been refused and on the second request there had been no one available to download the footage. This had resulted in a warning letter from the authority.

The police acknowledged that there had been infrequent visits to the premises due to the current demand on policing and the reduction in police resources. However, the police had visited on 17 July to request the door staff register and incident records and it was found that no records were kept. The police had then visited again on 22 July and again asked to view the door staff register. On this occasion, the premises licence holder had indicated that he had updated his record keeping and had misunderstood the request from police on 17 July. The police's concern was that the premise licence holder was not able to effectively promote the licensing objectives.

The police were further concerned that if the licence were granted, this would create a domino effect and other premises within the special cumulative impact area would request additional hours. This would impact on the police's ability to deal with late night incidents. Up to 31 October 2017 there had been 309 anti-social behaviour incidents reported in the city centre, this compared to 374 in 2016 and 326 in 2015. A significant proportion of this was within this part of the city centre.

The committee heard from Mr Abhi Mohindru, the premises licence holder's solicitor who stated that the premises licence holder was now requesting a late night refreshment licence to 0430 hrs on Friday to Saturday and the Sunday preceding a bank holiday rather than to 0500 hrs. With regard to the anti-social behaviour incidents, there had been no further incidents reported since July 2017. The premises licence holder had slightly misunderstood the requirements of the SIA recording keeping condition but now fully understood the requirements. With regard to the request to view the CCTV footage, Mr Saeed and Mr Ghafour had been as co-operative as they could be in the circumstances and the police had taken the CCTV hard drive which still had not been returned by the police. The premises were the only providers of pizza and kebabs at that time of night. Mr Mohindru highlighted that there was a level of financial disadvantage to Mr Saeed not being able to trade until 0430.

Following queries from committee members, it was confirmed

- Mr Ghafour had held the premises licence for Munchies for 2 ½ years, Mr Saeed of Hereford Munchies Limited has held it from August 2017.
- The disorder incidents in April and July 2017 had taken place outside the premises. The one incident had started inside the premises; the other incident had occurred with people either leaving or entering the premises but was not connected to Munchies.
- The police would still object to the 0430 hrs variation which Mr Mohindru had indicated during the meeting.
- That other premises in the area had licences as follows:
  - Golden Galleon: 2300 hrs to 0400 hrs Thursday to Saturday; and to 0430 hrs on the Sunday preceding a bank holiday
  - Hereford Fish and Chips: until 0400 hrs Thursday to Saturday and Sundays preceding a bank holiday.
- The police had taken the hard drive for the CCTV system following the February incident because there had been a serious incident due to fighting which had

incurred facial injuries. A new CCTV hard drive had been purchased so the premises were compliant with the CCTV condition.

## **DECISION AND REASONS**

Having carefully considered those matters brought before them and in reaching their decision, the members had full regard to both the provisions of the Licensing Act 2003, the guidance issued under section 182, the council's licensing policy and the representations (including supporting information) presented by all parties. The committee had noted the amendments to the application with the extended hours now being sought on Friday, Saturday and Sunday before bank holidays until 0430 hrs only

The decision of the committee was that the application should be refused for the following reasons;

The committee had heard that there had been crime and disorder in the area including incidents involving customers of the premises in February, April and July and that there had been a failure to adhere to conditions including SIA register and failure to sufficiently assist the police in February where CCTV was required urgently in relation to a serious incident. Members were concerned about this failure to comply with the terms of the licence and to sufficiently cooperate with the police promote the licensing objectives.

They have noted there is still evidenced crime and disorder in the city centre in the vicinity of the Commercial Road area which is why the special cumulative effect policy remains in place.

In addition, the applicant had not provided any further information or details of alternative measures to comprehensively demonstrate that they would not add to existing problems in the area.

Therefore having considered this matter very carefully, the committee was not sufficiently satisfied that the presumption of refusal contained in A.10 in the Hereford special policy has been rebutted and therefore they consider this application should be refused as being contrary to policy and would fail to promote the prevention of crime and disorder licensing objective.

The meeting ended at 3.20 pm