

# Agenda

## Licensing sub-committee

Date: **Wednesday 5 September 2018**

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Time: **10.00 am**

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Place: **Council Chamber, 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 BA Baker  
Councillor PGH Cutter  
Councillor A Seldon

## Agenda

		Pages
1.	<p><b>ELECTION OF CHAIRPERSON</b></p> <p>To elect a chairperson for the meeting.</p>	
2.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
3.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
4.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the agenda.</p>	
5.	<p><b>APPLICATION TO TRANSFER A PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003</b></p> <p>To consider an application to transfer the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.</p>	11 - 34
6.	<p><b>APPLICATION TO BE THE DESIGNATED PREMISES SUPERVISOR ON THE PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003</b></p> <p>To consider an application to be the Designated Premises Supervisor on the premises licence in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.</p>	35 - 56
7.	<p><b>REVIEW OF A PREMISE LICENCE IN RESPECT OF TASTE OF INDIA, 52 WEST STREET, LEOMINSTER, HR6 8UE - LICENSING ACT 2003</b></p> <p>To consider an application for a review of a premise licence in respect of Taste of India, 52 West Street, Leominster. HR6 8UE called by Police Sergeant 3456 Reynolds of West Mercia Police.</p>	57 - 88
8.	<p><b>REVIEW OF A PREMISE LICENCE IN RESPECT OF SUMMER PALACE ORIENTAL RESTAURANT, 60 WIDEMARSH STREET, HEREFORD. HR4 9HG - LICENSING ACT 2003</b></p> <p>To consider an application for a review of a premise licence in respect of Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG called by Police Sergeant 3456 Reynolds of West Mercia Police.</p>	89 - 90



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- 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.
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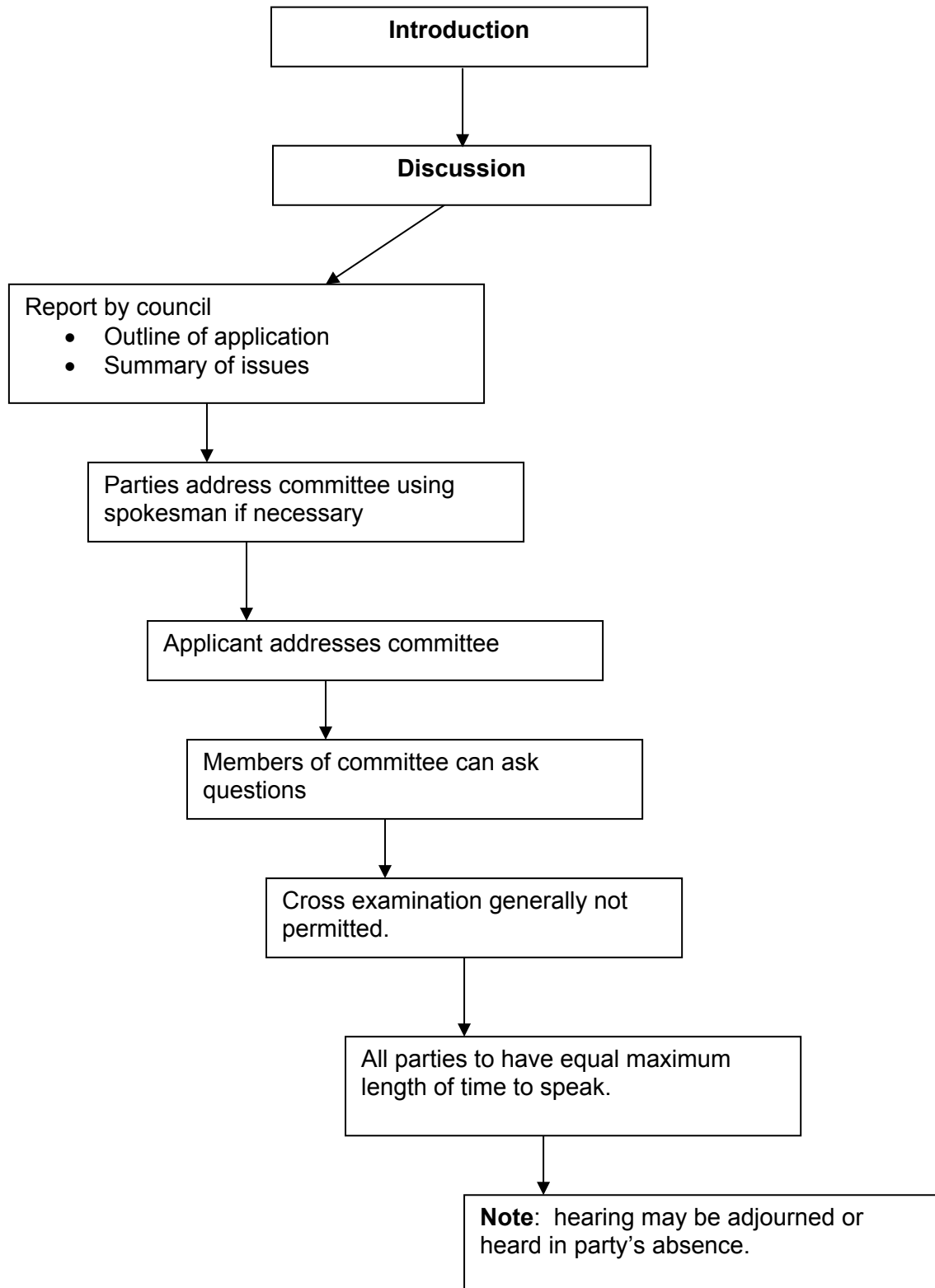
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## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>Wednesday 5 September 2018</b>
<b>Title of report:</b>	<b>Application to transfer a premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Belmont

## Purpose

To consider an application to transfer the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.

## Recommendation

That:

The 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 objective of the prevention of crime and disorder,
- The application for transfer and any further supporting information,
- The guidance issued to local authorities under the Licensing Act 2003,
- The representation (including supporting information) presented by the police
- The Herefordshire Council Statement of Licensing Policy 2015 - 2020.

## Options

1. There are two options open to the committee
  - Grant the application for transfer or
  - Refuse the application

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. The application for the transfer of the premises licence has received representation from the police and is brought before the committee for determination.

Applicant	Anita SZPORAK 2 Wyelands Clos, Hereford, HR2 6DH	
Agent	N/K	
Type of application: <b>Transfer</b>	Date police notified: <b>25 July 2018</b>	14 Days consultation ended <b>7 August 2018</b>

## Summary of Application

4. The application for the transfer and the consent to transfer forms are attached (appendix 1 & 2)
6. The transfer of the premises licence can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Anita Szporak is already the holder of the licence.

## Premises History

7. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
8. On 22 November 2016 a joint operation involving West Mercia Police and Herefordshire Council Trading Standards was undertaken which resulted in a large quantity (apprx. ¼ of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
9. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.
10. As a result the police launched an expedited review on 25 November 2016.
11. The licence was suspended on 29 November following the expedited review hearing before this committee.

12. A full review hearing was held on 15 December and this committee revoked the premises licence.
13. A new application was made for a premises licence on 18<sup>th</sup> February 2017 following the premises having been sold to Hardi Mohammed
14. Representations were received from West Mercia Police and Trading Standards.
15. The representation were agreed and as a result the licence was issued.

### **Current Licence**

16. The current licence (appendix 3) authorises the following licensable activities during the hours shown:

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

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

### **Summary of Representations**

18. The police are the only party that can object to the transfer and have done so (appendix 4).

## **Community Impact**

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

## **Equality duty**

20. 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.
21. 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.
22. There are not considered to be any equalities implications arising from this report.

## **Financial implications**

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

## Legal Implications

24. 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.
25. 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.
26. 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.
27. 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.
28. 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,
29. 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:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
30. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
31. The committee's attention is drawn to the Section 182 Guidance which states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

  - a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - b. for the sale and distribution of illegal firearms;
  - c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - e. for prostitution or the sale of unlawful pornography;
  - f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
  - g. for the organisation of racist activity or the promotion of racist attacks;

- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

## **Right of Appeal**

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

## **Risk Management**

33. 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**

34. The police are the only responsible authorities that can object.

## **Appendices**

- Appendix 1 - Application for transfer of the premises licence and consent to transfer  
Appendix 2 - Current Premises Licence  
Appendix 3 – Police representation

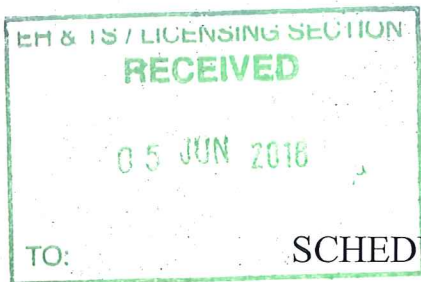
## **Background Papers**

None





PAID



Regulation 10

**Application to transfer premises licence to be granted 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.

I/~~We~~ **ANITA SZPORAK**  
*(Insert name of applicant)*

**apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below**

Premises licence number PR01758

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>MILA                  102-104 BELMONT ROAD                  HEREFORD                  HEREFORDSHIRE                  HR2 7JS</b>	
Post town <b>HEREFORD</b>	Post code <b>HR2 7JS</b>
Telephone number at premises (if any) <b>07779351620</b>	

Please give a brief description of the premises

Name of current premises licence holder  
**HARDI MOHAMMED**

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick  yes
- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

Surname

SZPORAK

First names

ANITA

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

[Redacted]

Post town

[Redacted]

Post code

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr  Mrs  Miss  Ms

Other title   
(for example, Rev)

Surname

[Empty]

First names

[Empty]

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

[Empty]

Post town

[Empty]

Post code

[Empty]

Daytime contact telephone number

[Empty]

**E-mail address  
(optional)**

--

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Please tick  yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day    Month    Year

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Please tick  yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick  yes

I have enclosed the premises licence



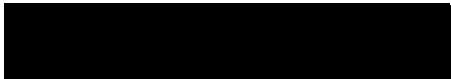
If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**



.....  
Date

04-04-2018

.....  
Capacity

.....  
**For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.**

.....  
Signature

.....  
Date

.....  
Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b> ANITA SZPORAK	
<b>Post town</b>	
<b>Telephone</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Notes for Guidance**

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we HARDI MOHAMMED

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number

PRO1758

*[insert premises licence number]*

relating to

MILA POLSKI SKLEP

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

PRO1758

*[insert premises licence number]*

to

ANITA SZPORAK

*[full name of transferee]*

  
name

(please print)

HARDI MOHAMMED

dated

04-04-2018







LICENSING ACT 2003  
Part A - Premises Licence

Premises licence number - PR01758 (App to Review Premise 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 – 1**

**Issuing Authority –**

**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.

### **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.

### **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**  
**Hearing date: Thursday 2<sup>nd</sup> November 2017**

No later than 14 days from the date that this condition first appears on the licence, the premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. Provided that in respect of the street facing windows any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass) This will mean at least 50% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of windows and doors, as well as any other item within the shop which obstructs the view through the window.

The committee also agreed that condition 5 (immigration) could be removed as the condition was obsolete

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

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

**Premises licence number - PR01758 (App to Review Premise 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**





**Bowell, Emma**

---

**From:** Mooney,James <james.mooney@westmercia.pnn.police.uk>  
**Sent:** 06 August 2018 08:53  
**To:** Licensing  
**Cc:** Reynolds,Duncan; Spriggs, Fred  
**Subject:** Mila, Belmont Road, Hereford - transfer and change of DPS applications - POLICE OBJECTION NOTICE

**NOT PROTECTIVELY MARKED**

**Mila, Belmont Road, Hereford - transfer and change of DPS applications - POLICE OBJECTION NOTICE**

West Mercia Police are in receipt of applications to transfer the premises licence and to change the designated premises supervisor (DPS) for Mila Convenience Store, 102-104 Belmont Road, Hereford. Both applications are in the name of Anita SZPORAK.

West Mercia Police **object** to both applications



Regards

Jim Mooney - on behalf of Ps 3456 Reynolds  
Harm Reduction/Community Safety Dept.,  
Harm Reduction Coordinator,  
Herefordshire Policing Area  
West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmercia.pnn.police.uk

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**#destinationHereford**

**www.westmercia.police.uk/maketherightcall**

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.





<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>Wednesday 5 September 2018</b>
<b>Title of report:</b>	<b>Application to be the Designated Premises Supervisor on the premises licence in respect of: 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Belmont

## Purpose

To consider an application to be the Designated Premises Supervisor on the premises licence in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS.

## 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 objective of the prevention of crime and disorder,**
- **The application for transfer and any further supporting information,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representation (including supporting information) presented by the police**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

## Options

1. There are two options open to the committee
  - Grant the application for transfer or
  - Refuse the application

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. The application for the change of designated premises supervisor has received representation from the police and is brought before the committee for determination.

Applicant	Anita SZPORAK 2 Wyelands Clos, Hereford, HR2 6DH	
Agent	N/K	
Type of application: <b>Designated Premises Supervisor</b>	Date police notified: <b>25 July 2018</b>	14 Days consultation ended <b>7 August 2018</b>

## Summary of Application

6. The application for the change of designated premises supervisor and the consent form are attached (appendix 1)
7. The change of designated premises supervisor can be allowed to have immediate effect in certain circumstances. In this case as the application was requested to have immediate effect then Anita Szporak is already performing that role.

## Premises History

8. The premises was first licensed in September 2015 as a Polish convenience store selling alcohol.
9. On 22<sup>nd</sup> November 2016 a joint operation involving West Mercia Police and Herefordshire Council Trading Standards was undertaken which resulted in a large quantity (apprx. ¼ of a million) of illegal and non-duty paid cigarettes being seized together with a large quantity of tobacco.
10. Two of the workers at the shop were found to be illegal immigrants and were detained by UK Immigration.

11. As a result the police launched an expedited review on 25 November 2016.
12. The licence was suspended on 29 November following the expedited review hearing before this committee.
13. A full review hearing was held on 15 December and this committee revoked the premises licence.
14. A new application was made for a premises licence on 18 February 2017 following the premises having been sold to Hardi Mohammed
15. Representations were received from West Mercia Police and Trading Standards.
16. The representation were agreed and as a result the licence was issued.

### **Current Licence**

17. 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

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

### **Summary of Representations**

19. The police are the only party that can object to the change of designated premises supervisor and have done so (appendix 3).

## **Community Impact**

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

## **Equality duty**

21. 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.
22. 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.
23. There are not considered to be any equalities implications arising from this report.

## Financial implications

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

## Legal Implications

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.,
29. 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:
- 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'
30. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
31. The committee's attention is drawn to the Section 182 Guidance which states:  
11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- a. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

- b. for the sale and distribution of illegal firearms;
- c. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- d. for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- e. for prostitution or the sale of unlawful pornography;
- f. by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs;
- g. for the organisation of racist activity or the promotion of racist attacks;
- h. for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- i. for unlawful gambling; and
- j. for the sale or storage of smuggled tobacco and alcohol.

32. Section 37 of the Licensing Act 2003 only permits application for a change of designated premises supervisor to be made by the premises licence holder.

## **Right of Appeal**

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

## **Risk Management**

34. 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**

35. The police are the only responsible authorities that can object.

## **Appendices**

- Appendix 1 - Application for change of designated premises supervisor and consent to transfer  
Appendix 2 - Current Premises Licence  
Appendix 3 – Police representation

## **Background Papers**

None





Application to vary a premises licence to specify an individual as designated premises supervisor 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.

I / we ANITA SZPORAK  
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PRO1758

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description  
MILA  
102-104 BELMONT ROAD

Post town HEREFORD Post code (if known) HR2 7JS

Telephone number (if any)

Description of premises (please read guidance note 1)

Part 2

Full name of proposed designated premises supervisor

ANITA SZPORAK

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Full name of existing designated premises supervisor (if any)

HARDI MOHAMMED

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

**Signature of applicant or applicant’s solicitor or other duly authorised agent**  
(See guidance note 3). **If signing on behalf of the applicant please state in what capacity**



Date 04.04.2018

Capacity .....

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

**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 by e-mail your e-mail address (optional)
--

## Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

ANITA SZPORAK

[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Variation to vary premises licence to specify and individual as a designated premises supervisor

[type of application]

by

ANITA SZPORAK

[name of applicant]

relating to a premises licence

PRO1758

[number of existing licence, if any]

for

MILA POLSKI SKLEP, 102-104 BELMONT ROAD, HR2 7JS  
[name and address of premises to which the application relates] HEREFORD

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

ANITA SZPORAK

[name of applicant]

concerning the supply of alcohol at

MILA POLSKI SKLEP

102-104 BELMONT ROAD HR2 7JS HEREFORD

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[redacted]

Personal licence issuing authority

LICENSING UNIT HEREFORDSHIRE COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

[redacted signature]

Name (please print)

ANITA SZPORAK

Date

04.04.2018



LICENSING ACT 2003  
Part A - Premises Licence

Premises licence number - PR01758 (App to Review Premise 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**

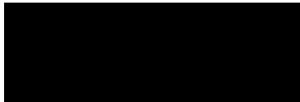


Registered number of holder, for example company number, charity number (where applicable)

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 – 1**

**Issuing Authority –**



**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.

### **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.

### **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**  
**Hearing date: Thursday 2<sup>nd</sup> November 2017**

No later than 14 days from the date that this condition first appears on the licence, the premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. Provided that in respect of the street facing windows any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass) This will mean at least 50% of all windows and 100% of all doors looking into the premises from Belmont Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of windows and doors, as well as any other item within the shop which obstructs the view through the window.

The committee also agreed that condition 5 (immigration) could be removed as the condition was obsolete

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

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

**Premises licence number - PR01758 (App to Review Premise 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**



**Bowell, Emma**

---

**From:** Mooney,James <james.mooney@westmercia.pnn.police.uk>  
**Sent:** 06 August 2018 08:53  
**To:** Licensing  
**Cc:** Reynolds,Duncan; Spriggs, Fred  
**Subject:** Mila, Belmont Road, Hereford - transfer and change of DPS applications - POLICE OBJECTION NOTICE

**NOT PROTECTIVELY MARKED**

**Mila, Belmont Road, Hereford - transfer and change of DPS applications - POLICE OBJECTION NOTICE**

West Mercia Police are in receipt of applications to transfer the premises licence and to change the designated premises supervisor (DPS) for Mila Convenience Store, 102-104 Belmont Road, Hereford. Both applications are in the name of Anita SZPORAK.

West Mercia Police **object** to both applications



Regards

Jim Mooney - on behalf of Ps 3456 Reynolds  
Harm Reduction/Community Safety Dept.,  
Harm Reduction Coordinator,  
Herefordshire Policing Area  
West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmercia.pnn.police.uk

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**#destinationHereford**

**www.westmercia.police.uk/maketherightcall**

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.







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>Wednesday 5 September 2018</b>
<b>Title of report:</b>	<b>Review of a premise licence in respect of Taste of India, 52 West Street, Leominster, HR6 8UE – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Leominster East

## Purpose

To consider an application for a review of a premise licence in respect of Taste of India, 52 West Street, Leominster. HR6 8UE called by Police Sergeant 3456 Reynolds of West Mercia Police.

## Recommendation

**THAT:**

**The 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 representations (including supporting information) presented by all parties,**
- **The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**
- **The Herefordshire Council Statement of Licensing Policy 2015 - 2020.**

## 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

## The details of the application are.

6. The details of the application are:

Applicant	Police Sergeant 3456 Reynolds of West Mercia Police	
Solicitor	Not applicable	
Type of application: <b>Review</b>	Date received: 20 June 2018	28 Days consultation ended 18 July 2018

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 West Mercia Police's grounds for the review are:  
  
The premises were subject to a visit from multiple agencies and two (2) persons were found to be working at the premises and in the UK illegally with no right to work.
10. An application was received in relation to a minor variation to the premises licence which was granted on 6 August 2018. A copy of the conditions added to the licence are shown at Appendix 2.
11. This matter appeared before the licensing sub committee on 10 August where it was adjourned until today to allow the premises licence holder to attend.
12. Since that date the applicant's agent has now agreed the conditions requested by trading standards. (appendix 3).

### **Premises History**

13. The premises was first licensed in November 2009. There have been a number of changes to the licence since it was first issued.
14. In October 2012, Herefordshire Council received an application to transfer the licence to Mr Hafiz Ali and to change the name of the premises to Taste of India.
15. In November 2012, Herefordshire Council received an application to vary the designated premises supervisor (DPS) to Mr Hafiz Ali.
16. Since November 2012, Mr Hafiz Ali has been the licence holder and the DPS. No further applications have been received.

### **Current Licence**

17. The current licence (appendix 4) authorises the following licensable activities during the hours shown:

A performance of live music (Indoors)  
Any playing of recorded music (Indoors)  
Making Music( Indoors)  
Dancing (Indoors)  
Other entertainment facilities (Indoors)  
Late Night refreshments (Indoors)  
Sale by retail of alcohol (For consumption both on and off the premises)

Monday-Sunday: 10:00 - 00:00

Non-standard timings:

An additional 30 minutes after the non – standard finish timings for the provision of licensable activities

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve; Boxing Day.

To reflect existing New Year's Eve/Day hours.

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

## **Circumstances leading to the review**

19. A pre-planned multi-agency operation took place on Thursday 14 June 2018 which involved West Mercia Police, UK Border and Immigration Office, Hereford & Worcester Fire & Rescue Service and departments from Herefordshire Council
20. At 18:00 hrs officers attended the premises known as Taste of India as a result of intelligence with regards to the employment of illegal immigrants.
21. One male was working at the premises in the kitchen, he was detained at the premises as it was established that he was in the country illegally.
22. Another male was detained in the restaurant area and dressed as a waiter with labels identifying him as working at the premises. This male was an asylum seeker but had no rights to work in the UK.
23. The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.
24. As a result, this review was launched.

## **Summary of Representations**

25. One representation has been received from a responsible authority – trading standards (Appendix 3) which has now been agreed.
26. One comment was received from the councillor for the area that the premises is situated in (Appendix 5).
27. One comment was received from Leominster Town Council (Appendix 6)

## **Community Impact**

28. Any decision is unlikely to have any impact on the local community.

## **Equality duty**

29. There are no equality issues in relation to the content of this report.
30. 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.
31. 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.

## Financial implications

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

## Legal Implications

33. 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. The options available to the licensing authority are set out in section 1 of this report.
34. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
35. 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.
36. 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.
37. 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.
38. 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:
- 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
39. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## Right of Appeal

40. Schedule 5 gives a right of appeal which states:
- An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.
41. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

42. 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**

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

## **Appendices**

- Appendix 1 - Review Application Form
- Appendix 2 - Minor Variation Conditions
- Appendix 3 - Trading Standards Representation
- Appendix 4 - Current Premise Licence
- Appendix 5 - Councillor Comment
- Appendix 6 - Leominster Town Council Comment

## **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.

I Police Sergeant 3456 Duncan REYNOLDS

*(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> Taste of India 52 West Street	
<b>Post town</b> Leominster	<b>Post code (if known)</b> HR6 8UE
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Hafiz Ali	
<b>Number of premises licence or club premises certificate (if known)</b> PRO0594	

**Part 2 - Applicant details**

I am

- |   | <b>Please tick yes</b>   |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below)                           |                          |
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below) X
- 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  Police Sergeant 3456 Duncan REYNOLDS Harm Reduction Dept., Hereford Police Station, Bath Street Hereford HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

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

Please tick one or more boxes

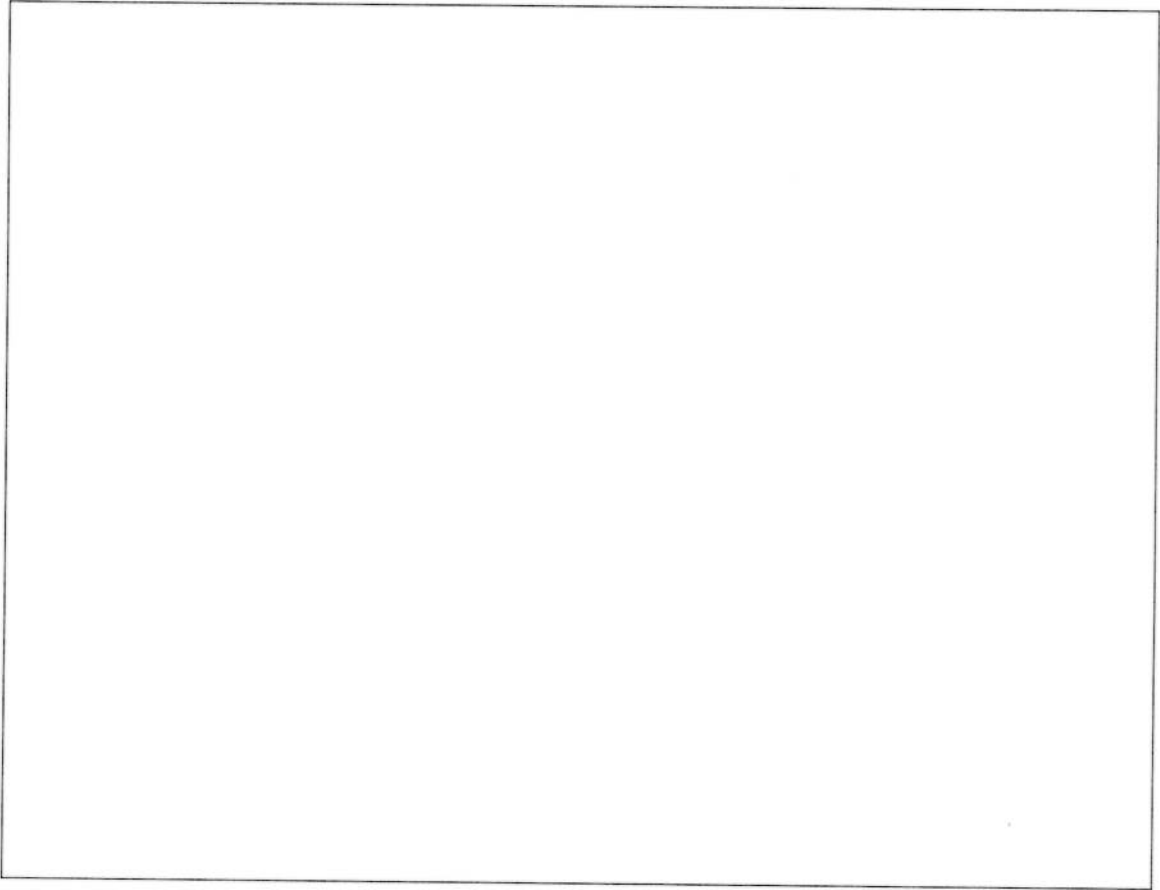
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

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

A multi agency operation took place on Thursday 14 June 2018.

This premises was visited and two males was detained working in the premises.  
Both of these males were in the UK illegally with no right to be employed

The employment of illegal immigrants is a criminal offence and undermines the  
licensing objective of the prevention of crime and disorder.



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

As part of a pre planned operation a joint Multi Agency Targeted Enforcement (MATE) operation took place on Thursday 14 June 2018. This operation involved officers from West Mercia Police, the UK Border and Immigration office, Hereford and Worcester Fire and Rescue Service and departments of Herefordshire Council.

At 1800hrs (6.00pm) officers attended the Taste of Indian, Leominster.

This visit was intelligence lead with regards to the employment of illegal immigrants.

This premises is licensed for the licensable activities of the sale/supply of alcohol and late night refreshment.

The premises was open to the public.

Two males were detained working in the kitchens. Neither had a right to be in the UK and therefore no right to be employed.

The employment of illegal immigrants is a criminal offence and is viewed as a serious matter as per the guidance issued under S182 of the Licensing Act 2003.

A civil penalty notice was served on the manager of the premises.

The view of West Mercia Police is that this is a serious matter and as such the premises licence of this premises should be revoked

**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

--	--	--	--	--	--	--	--

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

Please tick yes

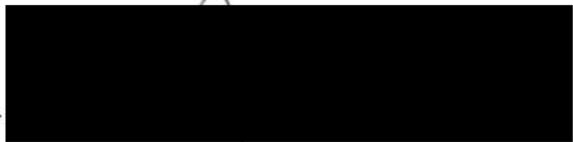
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 19 June 2018

Capacity Applicant – responsible authority.

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.



## Appendix 2

1. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.
2. All existing staff shall be trained on appropriate steps to promote the Licensing objectives within three months of the date this condition appears on this licence. All new staff shall be similarly trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter.  
The training shall include:
  - a. Drugs Awareness
  - b. Conflict resolution
  - c. Selling to under age person(s)
  - d. Selling to drunks
3. Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
4. 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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 bar advertising the scheme operated.
5. 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 weekly 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.
6. A compliance 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:
  - all crimes (relevant to the licensing objectives) reported to the venue
  - all ejections of patrons
  - any complaints (relevant to the licensing objectives) received
  - any incidents of disorder
  - seizures of drugs or offensive weapons
  - any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
  - any refusal of the sale of alcohol
  - any visit by a relevant authority or emergency service
7. No open containers will be removed from the premises.

8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. External areas of the premises shall not be used for licensable activities after 2300hrs – save for smoking, where it shall be used for the minimum time.
10. No live music after midnight – Monday to Saturday, and 2300hrs on Sundays.
11. A written record 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 written record must record and contain the following information as a minimum:
  - 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. A copy of the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office, with the information required as contained within the document for each person employed.All such information shall be recorded/copied prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document(s) as indicated in the current Home Office 'Right to Work Check List' or any other current document issued by the Home Office.
12. No adult entertainment or services or activities must take place at the premises. (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).



Taste of India Hereford Ltd – 52 West Street, Leominster, Herefordshire, HR6 8EU

Dear Licensing

Trading Standards would like to make representations for the above licence review that the WMP have instigated. Please see below.

Trading Standards have considered the reviews very carefully. Whilst they would support the police notion of revoking the licences to ensure the licence objectives are upheld, trading standards have not received any intelligence to have reason to believe children are at risk at this time.

Therefore trading standards have submitted conditions to ensure the further protection of children from harm at all the name premises as above.

1. 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. No person shall be authorised to sell or supply alcohol until this training is completed. 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.
2. 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 weekly 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.
3. 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.

Kind regards

Trading Standards

Leah Wilson  
Trading Standards Officer  
Environmental Health and Trading  
Standards  
Economy, Communities and Corporate  
Directorate  
Hereford Council  
01432 260163  
[lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk)  
[lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

8 St Owens  
Street  
Hereford  
HR12PJ



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**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number - PR00594 (App To Vary DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description
<b>Taste of India 52 West Street Leominster HR6 8EU</b>
Telephone number: <b>01568 611599</b>

Where the licence is time limited the dates:
<b>Not applicable</b>

<p>Licensable activities authorised by the licence</p> <p><b>Provision of regulated entertainment</b></p> <ol style="list-style-type: none"> <li>1. <b>A performance of live music (Indoors)</b></li> <li>2. <b>Any playing of recorded music (Indoors)</b></li> </ol> <p><b>Provision of entertainment facilities</b></p> <ol style="list-style-type: none"> <li>3. <b>Making Music( Indoors)</b></li> <li>4. <b>Dancing (Indoors)</b></li> <li>5. <b>Other entertainment facilities (Indoors)</b></li> </ol> <p><b>Provision of refreshment or alcohol</b></p> <ol style="list-style-type: none"> <li>6. <b>Late Night refreshments ( Indoors)</b></li> <li>7. <b>Sale by retail of alcohol (For consumption both on and off the premises)</b></li> </ol> <p><b>Further details:</b>  <b>(Live Music)</b> Occasional unamplified and amplified music provided by solo artists,duos or groups at various times during licensed hours  <b>(Any playing of recorded music)</b> To match sale of liquor at section M below. Amplified recorded music ancillary to sale of alcohol (section M) below.  <b>Occasional amplifield music</b> at various times during licensed hours  <b>(Provision of facilities for making music)</b> Occasional provision of musical instruments or other musical equipments at various times during licensed hours  <b>(Dancing)</b> Within the bar and lounge.Occasional dancing by customers to accompany live or recorded provided at various times during licensed hours  <b>(Other entertainment facilities)</b> Live amplified karaoke for the entertainment of customers. Facilities or equipment required to support the works of specialist solo or multiple performers at various times during licensed hours</p> <p><b>Description of facilities provided</b>  <b>(Making music)</b> Musical instruments or other musical equipments  <b>(Other entertainment facilities)</b> Equipment necessary to facilitate provision of specialist performance works.</p>
--

The times the licence authorises the carrying out of licensable activities

**Monday-Sunday: 10:00 - 00:00**

**Non standard timings:**

**An additional 30 minutes after the non – standard finish timings for the provision of licensable activities**

**A further additional hour into the morning following every: -**

**Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.**

**Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.**

**Christmas Eve; Boxing Day.**

**To reflect existing New Year's Eve/Day hours.**

**Seasonal variations: None**

The opening hours of the premises

**Monday-Sunday: 10:00 - 00:30**

**Non standard timings:**

**An additional 30 minutes after the non – standard finish timings for the provision of licensable activities**

**A further additional hour into the morning following every: -**

**Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.**

**Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.**

**Christmas Eve; Boxing Day.**

**To reflect existing New Year's Eve/Day hours.**

**Seasonal variations: None**

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

**Both on and off the premises**

**Part 2**

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

**Hafiz Ali  
52 West Street  
Leominster  
Herefordshire  
HR6 8EU**

**01568 611599**

Appendix 4

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

**Not applicable**

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

**Hafiz Ali  
52 West Street  
Leominster  
Herefordshire  
HR6 8EU**

**01568 611599**

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 – XXXXX  
Issuing Authority – Herefordshire Council**

**Annex 1 - Mandatory conditions**

**Additional mandatory conditions:**

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

**Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 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 a holographic mark.

**Smaller measures**

The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Mandatory condition: door supervision**

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

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

**Licensing conditions**

**General:**

The Licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.

The proposed variation will not alter the style and operation of the premises

The proposed variation will promote the licensing objectives in accordance with the section 182 Guidance

The premises will operate in accordance with all relevant legislation

Details of any additional measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

**Prevention of Crime:**

The crime and disorder objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the crime and disorder objective

The proposed variation will promote the crime and disorder objective in accordance with the section 182 Guidance

## Appendix 4

The premises will continue to operate in accordance with all relevant legislation which promotes the crime and disorder objective

The premises will liaise and co-operate with the responsible authorities

A proof of age policy will operate in relation to relevant licensable activities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the crime and disorder objective

### **Public Safety:**

The public safety objective has been considered in the light of the proposed variation

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public safety objective.

The proposed variation will promote the public safety objective in accordance with the section 182 Guidance

The premises will continue to operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health & Safety At Work Act 1974 and associated regulations, the Food Safety Act 1990, the Regulatory Reform ( Fire Safety) Order 2005 and the Disability Discrimination Act 1975.

The premises will liaise and co-operate with the Responsible Authorities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the public safety objective

The existing fire safety precautions will be retained and maintained

### **Prevention of Public Nuisance:**

The public nuisance objective has been considered in the light of the proposed variation

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public nuisance objective.

The proposed variation will promote the public nuisance objective in accordance with the section 182 Guidance

The premises will continue to operate in accordance with all relevant legislation which promotes the public nuisance objective including, but not limited to, the Environmental Protection Act 1990 and the Noise Act 1996.

The premises will liaise and co-operate with the Responsible Authorities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the public nuisance objective.

The premises will be adequately ventilated to prevent nuisance

Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance

Any noise from the licensable activities provided will be monitored in order to prevent nuisance.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises quietly.

No Live Music to be played in the outside area of the premises.

No Live Music after midnight on Monday to Saturday, and 11pm on Sunday.

Noise from recorded entertainment to be inaudible at the nearest noise sensitive location after 11pm.

#### Appendix 4

The outdoor area (beer garden) shall not be used for the consumption of alcohol or licensable activities after 11pm.

Music to be played at such a level so as not to cause a nuisance.

#### **Protection of Children:**

The protection of children objective has been considered in the light of the proposed variation. The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.

The proposed variation will promote the protection of children objective in accordance with the section 182 Guidance.

The premises will continue to operate in accordance with all relevant legislation which promotes the protection of children objective.

The premises will liaise and co-operate with the Responsible Authorities.

A proof of age policy will operate in relation to the relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times.

Staff will be trained to observe the measures necessary to promote the protection of children objective.

Non alcoholic drinks will be available.

Signage indicating no sales to under 18's.

No adult entertainment or services or activities must take place at the premises.

(Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-dancing, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

#### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

#### **Annex 4 - Plans**

As attached



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

**Premises licence number - PR00594 (App To Vary DPS)**

**Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description <b>Taste of India 52 West Street Leominster HR6 8EU</b>
Telephone number: <b>01568 611599</b>

Where the licence is time limited the dates <b>Not applicable</b>
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Licensable activities authorised by the licence <b>Provision of regulated entertainment</b> 1. <b>A performance of live music (Indoors)</b> 2. <b>Any playing of recorded music (Indoors)</b> <b>Provision of entertainment facilities</b> 3. <b>Making Music( Indoors)</b> 4. <b>Dancing (Indoors)</b> 5. <b>Other entertainment facilities (Indoors)</b> <b>Provision of refreshment or alcohol</b> 6. <b>Late Night refreshments ( Indoors)</b> 7. <b>Sale by retail of alcohol (For consumption both on and off the premises)</b>  <b>Further details:</b> <b>(Live Music) Occasional unamplified and amplified music provided by solo artists, duos or groups at various times during licensed hours</b> <b>(Any playing of recorded music) To match sale of liquor at section M below. Amplified recorded music ancillary to sale of alcohol (section M) below.</b> <b>Occasional amplified music at various times during licensed hours</b> <b>(Provision of facilities for making music) Occasional provision of musical instruments or other musical equipments at various times during licensed hours</b> <b>(Dancing) Within the bar and lounge. Occasional dancing by customers to accompany live or recorded provided at various times during licensed hours</b> <b>(Other entertainment facilities) Live amplified karaoke for the entertainment of customers. Facilities or equipment required to support the works of specialist solo or multiple performers at various times during licensed hours</b>  <b>Description of facilities provided</b> <b>(Making music) Musical instruments or other musical equipments</b> <b>(Other entertainment facilities) Equipment necessary to facilitate provision of specialist performance works.</b>
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The opening hours of the premises

**Monday-Sunday: 10:00 - 00:30**

**Non standard timings:**

**An additional 30 minutes after the non – standard finish timings for the provision of licensable activities**

**A further additional hour into the morning following every: -**

**Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.**

**Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.**

**Christmas Eve; Boxing Day.**

**To reflect existing New Year's Eve/Day hours.**

**Seasonal variations: None**

Name, (registered) address of holder of premises licence

**Hafiz Ali  
52 West Street  
Leominster  
Herefordshire  
HR6 8EU**

**01568 611599**

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

**Both on and off the premises**

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

**Not applicable**

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

**Hafiz Ali**

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

The protection of children objective has been considered in the light of the proposed variation  
The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.  
The proposed variation will promote the protection of children objective in accordance with the section 182 Guidance  
The premises will continue to operate in accordance with all relevant legislation which promotes the protection of children objective.  
The premises will liaise and co-operate with the Responsible Authorities  
A proof of age policy will operate in relation to the relevant licensable activities  
A zero tolerance towards illegal drugs will operate at all times  
Staff will be trained to observe the measures necessary to promote the protection of children objective.  
Non alcoholic drinks will be available  
Signage indicating no sales to under 18's  
No adult entertainment or services or activities must take place at the premises  
(Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).



**From:** [Bartlett, Jenny \(Cllr\)](#)  
**To:** [Licensing](#)  
**Subject:** Taste of India Licensing review EB/PR00998  
**Date:** 11 July 2018 15:05:33

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Hello Emma,

Following the recent checks carried out at the Taste of India, 53 West Street Leominster I would like to make the following representation as ward member:

I take seriously the need to conduct business in accordance with all relevant legislation. As a result of this investigation there has been a breach resulting in the license review on grounds of crime and disorder which must be addressed, regarding the employment of persons working illegally in the UK in an establishment that sells alcohol and food.

Until now The Taste of India has never been brought to my attention by any authorities or residents regarding illegal activities, anti-social behaviour or trouble from the sale of alcohol and food from this establishment, nor have I ever received any complaints about the quality of the food or the premises itself.

I sincerely hope this is an isolated and not to be repeated incident and will be dealt with in that manner.

Thank you for the opportunity to make this representation.

Regards

Jenny

Cllr Jenny Bartlett MA

Leominster East

[Jenny.bartlett@herefordshire.gov.uk](mailto:Jenny.bartlett@herefordshire.gov.uk)

01568 368509

Green Party



**From:** [Paul Russell](#)  
**To:** [Licensing](#)  
**Subject:** EB/PR00998  
**Date:** 03 July 2018 10:14:15

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Dear Licensing,

With regard to the review of the licence relating to the Taste of India under the prevention of crime and disorder, Leominster Town Council requests that consideration be given to suspending the current licence for a period of three months to enable a full review of the issues, implement additional training and support for the relevant staff and ensure that the current issues have been fully addressed.

Regards

Paul

Paul Russell  
Town Clerk  
Leominster Town Council  
11 Corn Square  
Leominster  
HR6 8YP

Tel: 01568 611734







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>Wednesday 5 September 2018</b>
<b>Title of report:</b>	<b>Review of a premise licence in respect of Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

### **Classification**

Open

### **Key Decision**

This is not an executive decision.

### **Wards Affected**

Central

### **Purpose**

To consider an application for a review of a premise licence in respect of Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG called by Police Sergeant 3456 Reynolds of West Mercia Police.

### **Further information**

This matter appeared before the Licensing Committee on 10 August 2018 when the matter was adjourned until today.

Since the last hearing the licensing authority has received back the premises licence which has been surrendered.

As the licence has been surrendered the review is no longer applicable.

### **Recommendation**

**THAT:**

**The sub-committee dismiss the review as there is no longer a premise licence to review.**

