

Agenda

Licensing Sub-Committee

Date: Monday 19 January 2026

Time: 10.00 am

Place: Conference Room 2 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE

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

For any further information please contact:

Matthew Evans

Tel: 01432383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Matthew Evans on 01432383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing Sub-Committee

Membership

Councillor Polly Andrews (Chairperson)
Councillor Dave Davies
Councillor Peter Hamblin

Agenda

	Pages
PUBLIC INFORMATION	
THE NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interest in respect of items on the agenda.	
4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: MAGAZIN TIMISOARA, 22 COMMERCIAL ROAD, HEREFORD, HR1 2BD CALLED BY THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY - LICENSING ACT 2003	11 - 62
To consider an application for a review of a premises licence in respect of Magazin Timisoara, 22 Commercial Road, Hereford, HR1 2BD called by the Licensing Authority as a Responsible Authority under the Licensing Act 2003.	

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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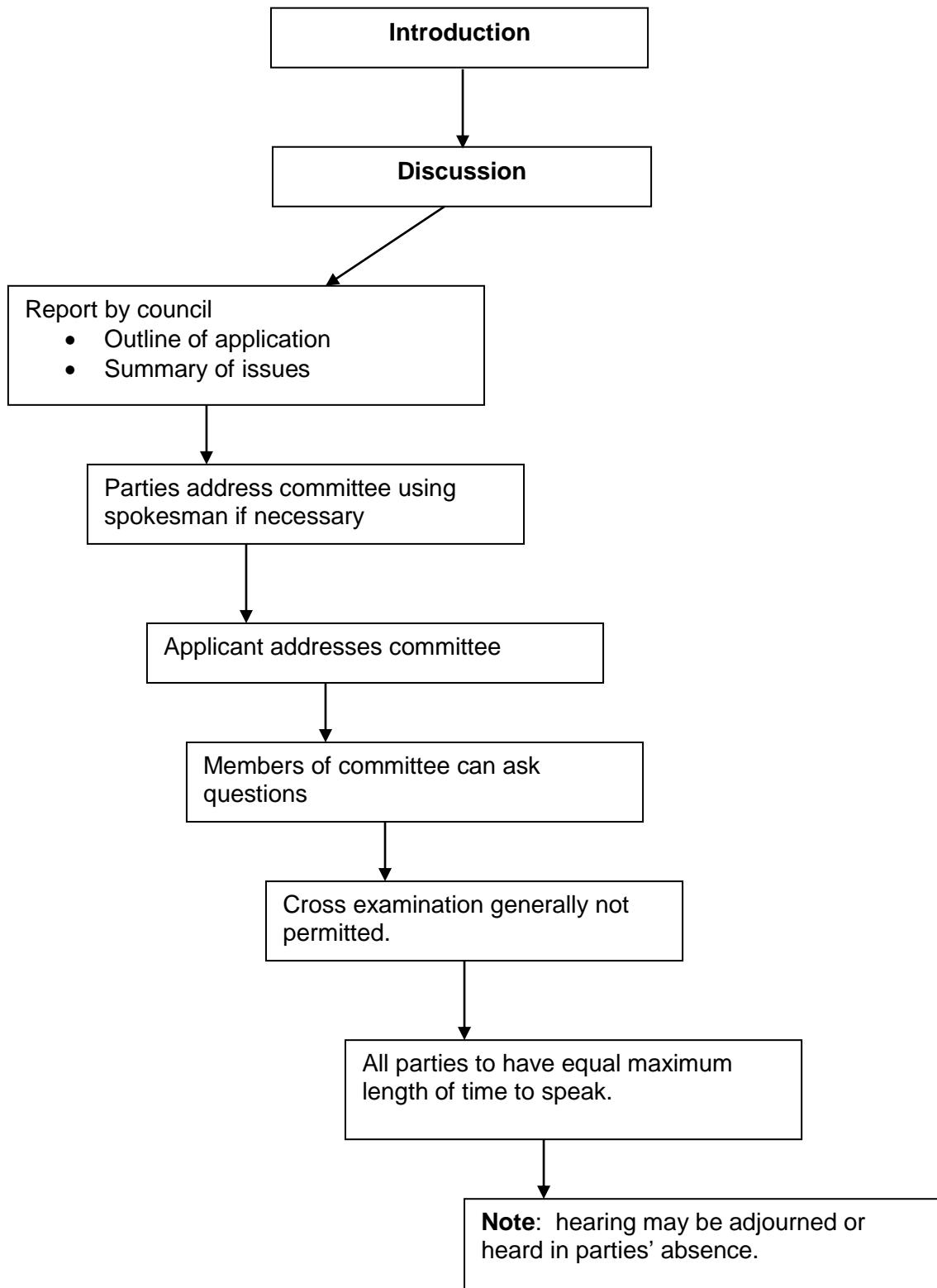
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Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Review of a premises licence in respect of: Magazin Timisoara, 22 Commercial Road, Hereford. HR1 2BD called by the Licensing Authority as a Responsible Authority- Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: Monday 19 January 2026 at 10:00hrs

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford - Widemarsh

Purpose

To consider an application for a review of a premises licence in respect of Magazin Timisoara, 22 Commercial Road, Hereford. HR1 2BD called by the Licensing Authority as a Responsible Authority under the Licensing Act 2003

Recommendation(s)

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 2020 - 2025.

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

1. There are a number of options open to the committee in relation to the review:
 - a) The modification of the conditions of the premises licence;
 - b) The exclusion of any licensable activities from the scope of the licence;
 - c) To refuse to specify a person in the licence as the premises supervisor
 - d) The suspension of the licence for a period not exceeding 3 months; and
 - e) The revocation of the licence
2. Where the licensing authority takes a step mentioned in bullet point a, b and d above it may provide that the modification, exclusion or suspension 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.

Key considerations

4. 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
5. The details of the application are:

Applicant	The Licensing Authority as a Responsible Authority	
Solicitor/Agent	Not applicable	
Type of application: Review	Date received: 24 November 2025	28 Days consultation ended 23 December 2025

Summary of Application

The application for the review is attached (appendix 1)

6. Copies of the application were sent to the premise licence holder and all responsible authorities.
7. The Licensing Authority's grounds for the review are:

On four (4) separate occasions since October 2021 and three (3) of those occasions being in the last three (3) months between September 2025 and November 2025 the premises has failed to comply with conditions attached to their premises licence despite receiving three (3) written warning letters from the Licensing Authority.

Premises History

8. The premises was first licensed in January 2020 as a convenience store for Sale/Supply of Alcohol for consumption off the premises Monday – Sunday 08:00 – 22:00
9. Since first being licenced, the Licensing Authority has received two (2) applications to Transfer the premises licence and two (2) applications to Vary Designated Premises Supervisor (DPS). The last Transfer and Vary DPS was granted 14 August 2025.
10. On 28 September 2021, the Licensing Authority received an application to vary the premises licence for an extension to licensable hours for Sale/Supply of Alcohol (consumption off the premises) Monday – Sunday 08:00 – 02:00.
11. The Licensing Authority as a responsible authority objected to the variation on 23 October 2021 due to previous breaches of licence conditions relating to an unobstructed view at all times into the licensable area of the premises. A breach of conditions letter was sent by email and post on 5 October 2021 to the premises licence holder, asking for the condition to be complied with within seven (7) days. A member of the authority was passing the premises on 20 October 2021 and provided photographic evidence that the condition was still not being complied with. Confirmation that the condition had been complied with was received on 28 October 2021 and the Licensing Authorities objection was withdrawn on 1 November 2021.
12. The licence was granted on 2 November 2021 for Sale/Supply of Alcohol (consumption off the premises) Monday – Sunday 08:00 – 02:00

Current Licence

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

Sale/Supply of Alcohol (consumption off the premises)

Monday – Sunday 08:00 – 02:00

The licence is also subject to certain conditions that the premises has to comply with when open for licensable activities.

Circumstances Leading to the Review

14. On 5 October 2021, the Licensing Authority wrote to the then premises licence holder due to complaints that members of the public were unable to see into the shop and that the windows were obstructed. They gave the premises licence holder seven (7) days to comply with the condition. (Appendix 3)
15. A member of the authority was passing the premises on 20 October 2021 and provided photographic evidence to the Licensing Authority that the condition was still not being complied with (appendix 4)

16. On 5 September 2025, members of the Licensing Authority undertook a licence check at the premises as part of a multi-agency joint visit. Several of the premises licence conditions were not being complied with. Four (4) conditions under Prevention of Crime & Disorder relating to window coverage, Spirits of high ABV, an incident log and staff training records. Two (2) conditions under Protection of Children from Harm were also not being complied with which were an age challenge policy and a refusals register. The Licensing Authority discussed the breaches verbally with the premises licence holder and his assistant, along with confirming with them verbally all alcohol 15% ABV and above had to be displayed behind the counter. The visit was followed with a breach of conditions letter which was posted and emailed to the premises licence holder on 8 September 2025 (appendix 5).
17. On 23 September 2025, Police Alcohol Licensing Officers from West Mercia Police visited the premises following receipt of our letter dated 8 September 2025. An individual at the premises produced copies of staff training in Challenge Responsible Sales in Hospitality and retail. The staff training records, incident logbook, refusals log and Challenge 25 written policy were viewed and were all now being complied with. However, the window display was full of high spirited alcohol above 15% covering both sides of window top to bottom and door was open which was covered with signage.

Cabinets still had spirits of 25 %, 28 % and 40 %, ABV not behind counter. An individual at the premises advised they had no room for it anywhere else and were told by the officers that it had to be moved that day, which they said they would do. As a result of the visit by West Mercia Police, the Licensing Authority wrote a breach of conditions letter addressed to the premises licence holder on 24 September 2025 (appendix 6).

18. On 20 November 2025, Police Alcohol Licensing Officers from West Mercia Police visited the premises following receipt of our letters dated 8 September 2025 and 24 September 2025 and their visit on 23 September 2025. Whilst at the premises, windows had been cleared a lot more than previously; however, there were still obstructions within the middle section of the window contrary to the condition in their licence. There were a number of bottles of spirits (30% ABV+) displayed in the window and not behind the counter, contrary to their licence condition:
19. As a result of the premises licence holder's continued non-compliance with the same conditions despite the previous warnings, this review was launched.
20. The Licensing Authority visited the premises on 25 November 2025 to serve the review papers and gave verbal advice to a man at premises, as there were still a number of bottles of spirits (30% ABV+) displayed in the window and not behind the counter, contrary to their licence condition and there were still obstructions within the middle section of the window contrary to the condition in their licence, so despite previous written and verbal warnings, the conditions were still not being complied with. The photos at appendix 7 show bottles of spirits of 30% ABV or more and the window was still obstructed on 25 November 2025, despite the previous verbal advice and written warnings.

Summary of Representations

21. Representations supporting the review were received from West Mercia Police (appendix 8), and Hereford & Worcester Fire and Rescue Service (appendix 9).

Community impact

22. Any decision may have an impact on the local community.

Environmental Impact

23. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as the licensing authority.

Equality duty

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

25. There are no equality issues in relation to the content of this report.

26. 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.

27. 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.

Resource implications

28. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as the licensing authority.

Financial implications

29. There are unlikely to be any financial implications for the council as licensing authority at this time.

Legal implications

30. 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 (appendix 10) 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.
31. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
32. 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. In this case it was summed up that: -
33. 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.
34. 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.
35. 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:
36. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
37. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

38. Schedule 5 Part 1 Paragraph 8 of the Licensing Act 2003 gives a right of appeal which states: Review of premises licence.
 - (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
 - (2) An appeal may be made against that decision by
 - (a) the applicant for the review
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application
 - (3) In sub paragraph (2) "relevant representations" has the meaning given in section 52(7).
39. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk management

40. 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

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

Appendices

Appendix 1 – Application Form for Review

Appendix 2 – Copy of Current Premises Licence

Appendix 3 – Breach of Conditions Letter 5 October 2021

Appendix 4 – Photo taken 20 October 2021

Appendix 5 – Breach of Conditions Letter 8 September 2025

Appendix 6 – Breach of Conditions Letter 24 September 2025

Appendix 7 – Photos of Non-Compliance 25 November 2025

Appendix 8 – West Mercia Police Representation

Appendix 9 – Hereford & Worcester Fire & Rescue Service Representation

Appendix 10 – Relevant pages of the Section 182 Guidance Background papers

Background papers

None identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor



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 [REDACTED] ON BEHALF OF THE LICENSING AUTHORITY

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

**MAGAZIN TIMISOARA
22 COMMERCIAL ROAD**

Post town HEREFORD **Post code (if known) HR1 2BD**

Name of premises licence holder or club holding club premises certificate (if known)

HEMEN NIGEEN HASSAN

Number of premises licence or club premises certificate (if known)

PR01893

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**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

[REDACTED]
HEREFORDSHIRE COUNCIL
LICENSING DEPARTMENT
PLOUGH LANE
HEREFORD
HR4 0LE

Telephone number (if any)

01432 261761

E-mail address (optional)

licensing@herefordshire.gov.uk

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

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

ON FOUR (4) SEPARATE OCCASIONS SINCE OCTOBER 2021 AND THREE (3) OF THOSE OCCASIONS BEING IN THE LAST THREE (3) MONTHS THE PREMISES HAS FAILED TO COMPLY WITH CONDITIONS ATTACHED ON THE PREMISE LICENCE DESPITE RECEIVING THREE (3) WRITTEN WARNING LETTERS FROM THE LICENSING AUTHORITY.

UNDER SECTION 136 OF THE LICENSING ACT 2003 IT IS AN OFFENCE TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE THAN UNDER AND IN ACCORDANCE WITH AN AUTHORISATION (PREMISES LICENCE).

Please provide as much information as possible to support the application (please read guidance note 3)

ON THE EVENING OF FRIDAY 5 SEPTEMBER 2025 MEMBERS OF THE LICENSING TEAM VISITED THE PREMISES TO CARRY OUT A LICENCE INSPECTION. WHILST AT THE PREMISES, IT BECAME APPARENT SOME CONDITIONS ON THE LICENCE WERE NOT BEING COMPLIED WITH.

- SPIRITS OF HIGH ABV WILL BE SOLD FROM BEHIND THE COUNTER – IT WAS NOTED SPIRITS OF 25% ABV AND HIGHER WERE DISPLAYED ON THE SHOP FLOOR
- AN INCIDENT LOG MUST BE KEPT AT THE PREMISES – THIS WAS NOT IN PLACE
- STAFF TRAINING RECORDS FOR THE SALE OF ALCOHOL TO BE KEPT ON THE PREMISES – THIS WAS NOT IN PLACE
- THE PREMISES LICENCE HOLDER WILL ENSURE THAT THERE IS AN UNOBSTRUCTED VIEW AT ALL TIMES INTO THE LICENSABLE AREA OF THE PREMISES. ANY OBSTRUCTION WILL BE RESTRICTED TO THE TOP 25% OF THE WINDOW AND THE BOTTOM 25% OF THE WINDOW IN EACH CASE - THIS MEANT THAT AT LEAST 50% OF ALL WINDOWS AND 100% OF ALL DOORS LOOKING INTO THE PREMISES FROM COMMERCIAL ROAD WERE TO BE CLEAR OF OBSTRUCTION – THE DOOR WAS FULLY COVERED IN SIGNAGE AND THE WINDOWS WITH SIGNAGE AND SHELVES
- THE PREMISES SHALL OPERATE A CHALLENGE 25 POLICY. SUCH POLICY SHALL BE WRITTEN DOWN AND KEPT AT THE PREMISES – THIS WAS NOT IN PLACE
- A WRITTEN REGISTER OF REFUSALS WILL BE KEPT – THIS WAS NOT IN PLACE.

WHILST AT THE LICENSING OFFICERS SPOKE THROUGH EACH OF THE BREACHES WITH PREMISES LICENCE HOLDER AND DPS HEMEN NIGEEN HASSAN AND HIS COLLEAGUE. THEY MADE SURE, THEY UNDERSTOOD AND WAS ADVISED TO MOVE ANY SPIRITS OF 15%ABV OR MORE TO BEHIND THE COUNTER, SHOWN ON GOOGLE WHERE THERE WERE INCIDENT LOG, REFUSALS REGISTER AND CHALLENGE POLICY TEMPLATES TO DOWNLOAD AND GAVE ADVICE ON THE UNOBSTRUCTED VIEW.

AS A RESULT OF THEIR VISIT AND IN LINE WITH PROCEDURES, A BREACH OF CONDITIONS LETTER WAS EMAILED TO THE PREMISES LICENCE HOLDER HEMEN NIGEEN HASSAN

ON 23 SEPTEMBER 2025, TWO (2) OFFICERS OF WEST MERCIA POLICE CONDUCTED A LICENCE CHECK AT THE PREMISES FROM 12:40 TO 13:00.
THE FOLLOWING CONDITIONS WERE STILL NOT BEING COMPLIED WITH

- SPIRITS OF HIGH ABV WILL BE SOLD FROM BEHIND THE COUNTER – IT WAS WITNESSED SPIRITS OF 25 %, 28 % AND 40% ABV WERE ON DISPLAY IN THE CUSTOMER AREA AND HAD NOT BEEN MOVED AS PREVIOUSLY ADVISED. HE WAS TOLD TO REMOVE THESE WITH IMMEDIATE EFFECT.
- THE PREMISES LICENCE HOLDER WILL ENSURE THAT THERE IS AN UNOBSTRUCTED VIEW AT ALL TIMES INTO THE LICENSABLE AREA OF THE PREMISES – THE WINDOW DISPLAY WAS FULL OF HIGH SPIRITED ALCOHOL ABOVE 15% COVERING BOTH SIDES OF WINDOW TOP TO BOTTOM AND DOOR WAS OPEN WHICH WAS COVERED WITH SIGNAGE

AS A RESULT OF THEIR VISIT AND IN LINE WITH PROCEDURES, A BREACH OF CONDITIONS LETTER WAS EMAILED TO THE PREMISES LICENCE HOLDER HEMEN NIGEEN HASSAN ONCE AGAIN.

ON 20 NOVEMBER 2025, TWO (2) OFFICERS OF WEST MERCIA POLICE CONDUCTED A LICENCE CHECK AT THE PREMISES FOLLOWING THE TWO (2) PREVIOUS BREACHES.

- SPIRITS OF HIGH ABV WILL BE SOLD FROM BEHIND THE COUNTER - THERE WERE SEVERAL BOTTLES OF SPIRITS (30% + ABV) DISPLAYED IN THE WINDOW
- THE PREMISES LICENCE HOLDER WILL ENSURE THAT THERE IS AN UNOBSTRUCTED VIEW AT ALL TIMES INTO THE LICENSABLE AREA OF THE PREMISES – THE DOORWAY HAD BEEN CLEARED AS PER PREVIOUS INSTRUCTIONS. WINDOWS HAD BEEN CLEARED A LOT MORE THAN PREVIOUSLY; HOWEVER THERE WERE STILL OBSTRUCTIONS WITHIN THE MIDDLE SECTION OF THE WINDOW

ON EACH OF THE TWO (2) BREACH OF CONDITIONS LETTERS SENT, MR HASSAN WAS ADVISED SHOULD FURTHER BREACHES BE FOUND AT THE PREMISES, THE LICENSING AUTHORITY WILL SEEK TO REVIEW THE LICENCE. WHICH COULD RESULT IN REVOCATION.

THE WARNING LETTER SENT IN OCTOBER 2021 WAS SENT TO A PREVIOUS PREMISES LICENCE HOLDER, HOWEVER THE PREMISES WAS NOT COMPLYING WITH THE CONDITION REGARDING AN UNOBSTRUCTED VIEW AT ALL TIMES INTO THE LICENSABLE AREA OF THE PREMISES.

THE CONTINUAL BREACH UNDERMINES THE LICENSING OBJECTIVE, PREVENTION OF CRIME & DISORDER AND THIS DOES CAUSE THE LICENSING AUTHORITY SOME SERIOUS CONCERNS AFTER HAVING GIVEN MR HASSAN TWO (2) PREVIOUS WRITTEN WARNINGS ALONG WITH ONE (1) PIECE OF VERBAL ADVICE.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

N/A

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

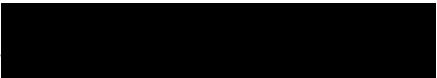
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....



Date **25 November 2025**

Capacity **LICENSING ASSISTANT – LICENSING AUTHORITY**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
Telephone number (if any) 01432 261761	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) <u>licensing@herefordshire.gov.uk</u>	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



LICENSING ACT 2003
Part A - Premises Licence

Premises licence number PR01893 (App to Transfer & Vary Premises DPS)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Magazin Timisoara 22 Commercial Road	
Post town Hereford	Postcode HR1 2BD
Telephone number 07425 148850	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) Sale/Supply of Alcohol (Consumption off the premises)

The times the licence authorises the carrying out of licensable activities Sale/Supply of Alcohol Monday – Sunday 08:00 – 02:00

The opening hours of the premises Monday – Sunday 08:00 – 02:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Hemen Nigeen Hassan [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

Hemen Nigeen Hassan

[REDACTED ADDRESS]

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: PL3986

Issuing authority: Herefordshire Council

Annex 1 - Mandatory conditions

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

General

Prevention of Crime and Disorder

Spirits of high ABV will be sold from behind the counter.

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 28 days.

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 and be able to produce it to a Police Officer and/or an authorised Local Authority employee on demand.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational 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** and Council Licensing Department immediately.

An incident log 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) 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 with 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 services, noting time, date and purpose and those officials by name.

The DPS shall inspect and sign the incident log monthly to ensure that it is being properly maintained.

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 12 monthly intervals. Training records shall be kept on the premises and produced to the police of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Receipts and invoices for all tobacco and alcohol products offered for sale or stored on the premises must be retained for a rolling period of 12 calendar months, kept within a readily accessible file and must be made available upon immediate and reasonable request by any Police Officer, Customs Officer or other authorised person as defined by Section 13 of the Licensing Act 2003.



The premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of any street facing the 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 area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Commercial Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

Public Safety

Prevention of Public Nuisance

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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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 bar advertising the scheme operated.

A written 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 and will be collected 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.

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).

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

Not applicable

Annex 4 - Plans

As attached submitted 06.12.2019



LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number PR01893 (App to Transfer & Vary Premises DPS)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Magazin Timisoara 22 Commercial Road	
Post town Hereford	Postcode HR1 2BD
Telephone number 07425 148850	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) Sale/Supply of Alcohol (Consumption off the premises)

The times the licence authorises the carrying out of licensable activities Sale/Supply of Alcohol Monday – Sunday 08:00 – 02:00

The opening hours of the premises Monday – Sunday 08:00 – 02:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Hemen Nigeen Hassan [REDACTED] [REDACTED] [REDACTED]



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

Not Applicable

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

Hemen Nigeen Hassan

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

The premises shall operate a Challenge 25 Policy

A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age

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



Directorate/Division: Economy and Place
 Team: Environmental Health & Trading Standards
 Please ask for: Licensing
 Direct line: 01432 261761
 Email: licensing@herefordshire.gov.uk
 Date: 5 October 2021

Samman Rassual

XXXX
XXXX
XXXX

Dear Mr Rassual

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

Magazin Timisoara, 22 Commercial Road, Hereford. HR1 2BD

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

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

I am in receipt of a complaint that members of the public are unable to see into the shop and that the windows are obstructed.

As you should be aware your licence has a condition whereby it states the following;

The premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of any street facing the 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 area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Commercial Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

It is alleged that the windows either side of the door are obstructed with stickers and/or produce.

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

I must advise you that the non-compliance of the condition means the licence is invalid. The authority will tolerate a continual breach of this condition.

I must advise you that if the condition is not complied with within 7 days of the date of this letter, then the authority would have no alternative but to consider further action. This could include a further review of the licence with a view to revocation, an objection to the variation recently submitted or alternatively a prosecution through the court for breach of the licence.

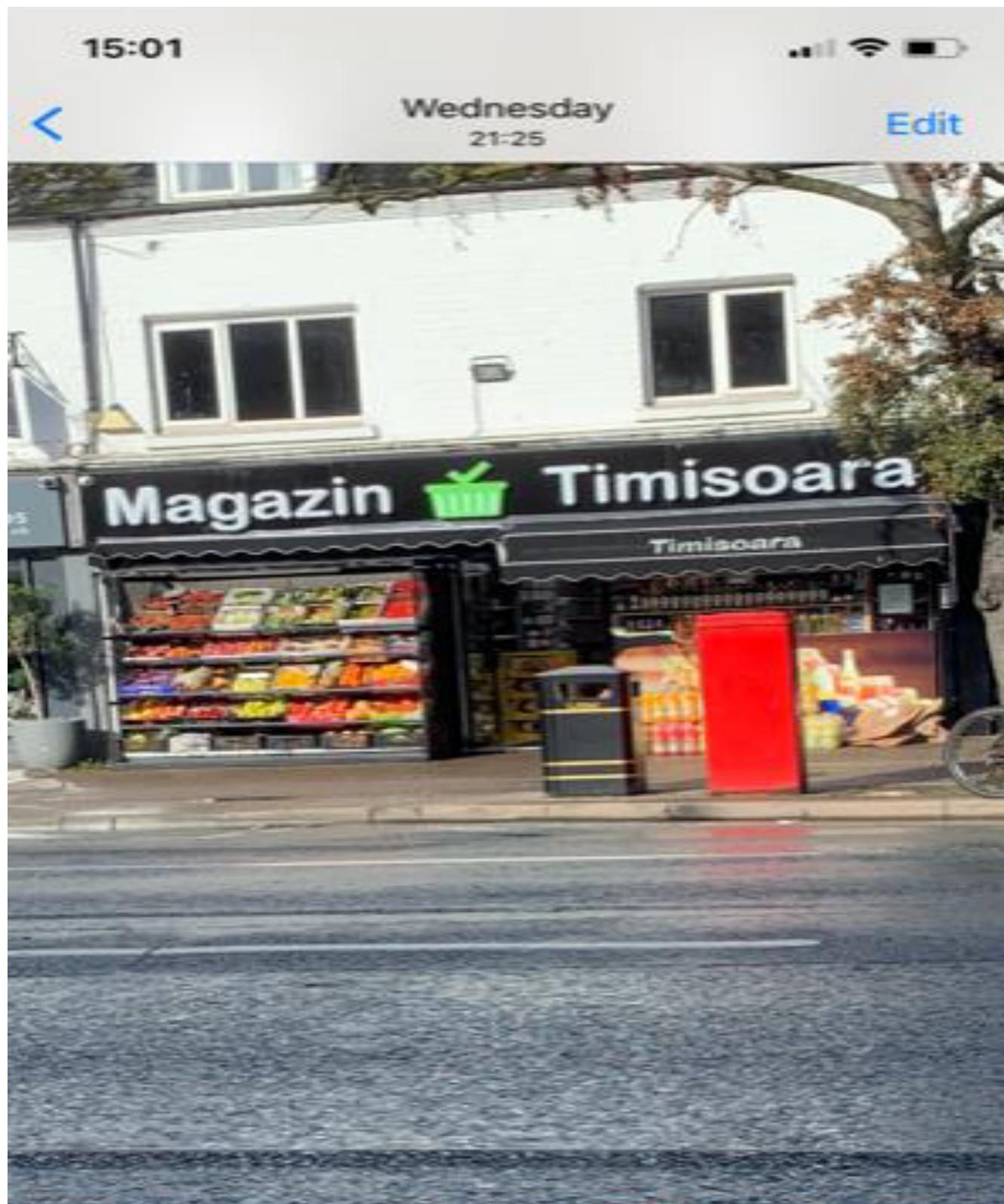
I hope that neither action will be necessary and that you will comply with the terms of the licence.

Yours faithfully,

**LICENSING TECHNICAL OFFICER ENVIRONMENTAL
HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL**

Cc West Mercia Police

Photo taken 20 October 2021 and emailed 21 October 2021





Directorate/Division: Economy and Environment
 Team: Environmental Health & Trading Standards
 Please ask for: Licensing
 Direct line: 01432 261761
 Email: licensing@herefordshire.gov.uk
 Date: 8 September 2025

Hemen Nigeen Hassan

XXXXX
XXXXX
XXXXX
XXXXX

Dear Hemen Nigeen Hassan,

Licensing Act 2003

Ref: MAGAZIN TIMISOARA, 22 COMMERCIAL ROAD, HEREFORD. HR1 2BD

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

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

On the evening of Friday 5 September 2025 members of the Licensing Team visited your premises to carry out a licence inspection. Whilst at the premises, it became apparent the conditions on the licence were not being complied with. Compliance with the conditions of your licence is not optional but compulsory. The conditions that were not complied with are as follows:

Prevention of Crime & Disorder

Spirits of high ABV will be sold from behind the counter

An incident log 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) 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 with 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 services, noting time, date and purpose and those officials by name.

The DPS shall inspect and sign the incident log monthly to ensure that it is being properly maintained.

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 12 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.

The premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of any street facing the 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 area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Commercial Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window

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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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 bar advertising the scheme operated.

A written 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 and will be collected 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.

You must rectify this situation immediately

The council or any authorised person may carry out internet research, telephone research, monitoring and unannounced site visits to ensure compliance with the legislation. This may include evidential electronic images such as photographs or video to assist with our enquiries and should further breaches be found then this Authority may take more formal action against you, which may include prosecution which on summary conviction can attract a period of six (6) months imprisonment and or an unlimited fine. The other option would be for the Authority to further review the licence which could result in revocation.

Yours faithfully

**LICENSING DEPARTMENT – HEREFORDSHIRE COUNCIL
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

CC: WEST MERCIA POLICE & HEREFORDSHIRE COUNCIL TRADING STANDARDS



Directorate/Division: Economy and Environment
 Team: Environmental Health & Trading Standards
 Please ask for: Licensing
 Direct line: 01432 261761
 Email: licensing@herefordshire.gov.uk
 Date: 24 September 2025

Hemen Nigeen Hassan

XXXXXX

XXXXXX

XXXXXX

XXXXXX

Dear Hemen Nigeen Hassan,

Licensing Act 2003

Ref: MAGAZIN TIMISOARA, 22 COMMERCIAL ROAD, HEREFORD. HR1 2BD

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

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

West Mercia Police Licensing Officers visited your premises on Tuesday 23 September 2025 to ensure compliance with your licensing requirements and conditions.

It is disappointing to note that the following conditions were still not being complied with, despite our in-person discussion with you on 5 September 2025 and our letter to you on 8 September 2025

Prevention of Crime & Disorder

Spirits of high ABV will be sold from behind the counter

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

As discussed with you on 5 September 2025, all spirits of 15% ABV or higher must be displayed behind the counter and not on display by the entrance door. It was also discussed with you that you had to remove the display shelves from the window and at least 50% of all windows and 100% of all doors looking into the premises from Commercial Road are clear of obstruction. That meant obstruction included any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

You must rectify this situation immediately

The council or any authorised person may carry out internet research, telephone research, monitoring and unannounced site visits to ensure compliance with the legislation. This may include evidential electronic images such as photographs or video to assist with our enquiries.

Should further breaches be found at the premises, the Licensing Authority will seek to review the licence, which could result in revocation.

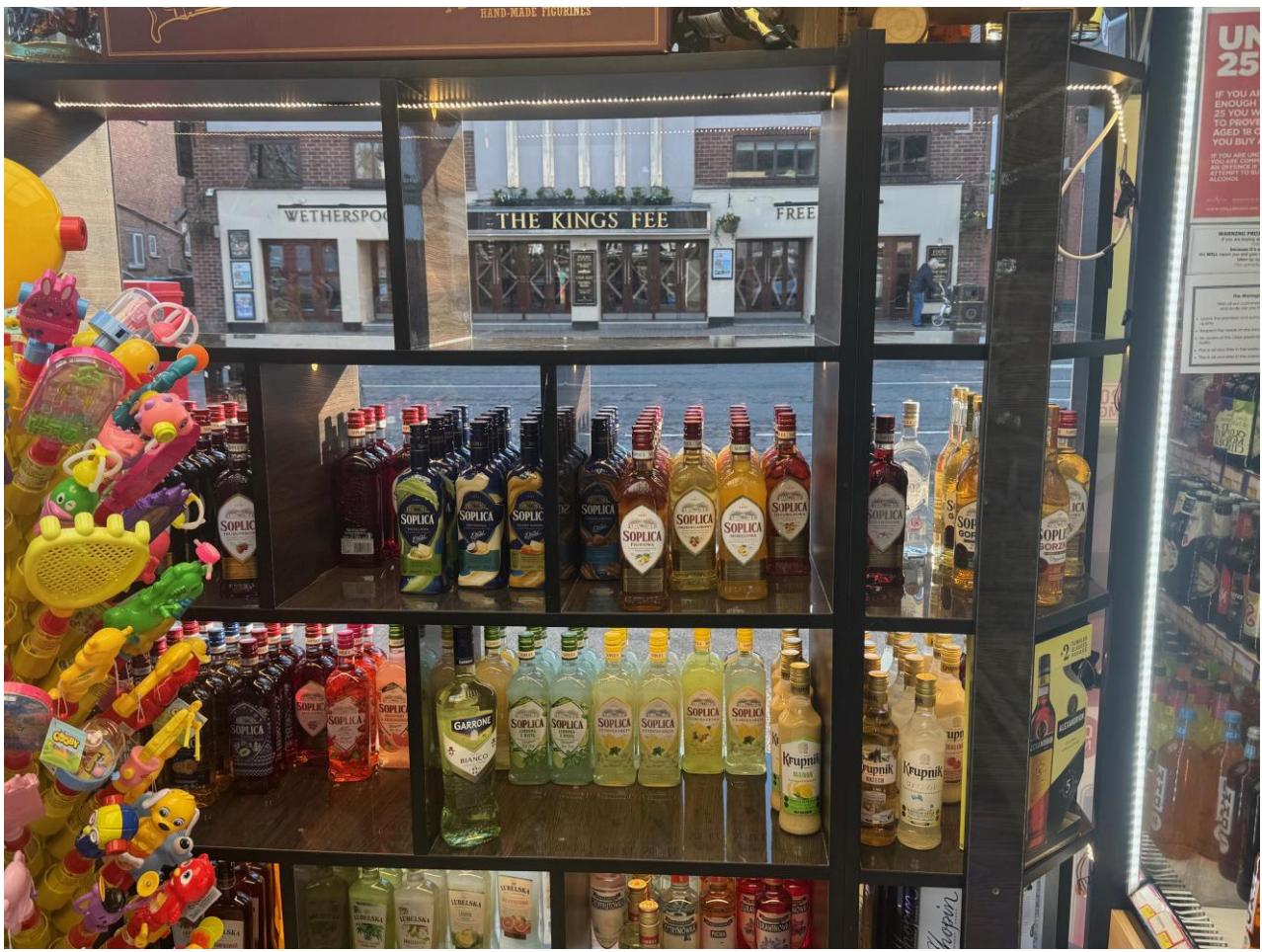
Yours faithfully

**LICENSING DEPARTMENT – HEREFORDSHIRE COUNCIL
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

CC: WEST MERCIA POLICE

From: XXXXXXXX
Sent: 25 November 2025 14:11
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Magazin - fourth breach









Sent from my iPhone

RESTRICTED (when complete)

Page 1 of 3

WITNESS STATEMENT**(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967. s.9)**

URN: [REDACTED]

Statement of: PC 3103 Gemma GIBBS

Age if under 18:

Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature. [REDACTED]

Date: 19.12.25

I am PC 3103 Gemma GIBBS, an appointed Licensing Officer with West Mercia Police, having delegated authority from the Chief Officer to exercise powers under the Licensing Act 2003

West Mercia Police have been made aware of an application for the review of a premise license of Magazin Timisoara, 22 Commercial Road, Hereford, brought about by Hereford Licensing Authority following 4 visits to the premise, with 3 in the last month which have highlighted a number of breaches of their licensing conditions. I was made aware of a visit to the premise on the 5th September 2025 by licensing officers whereby a number of breaches of the licensing conditions were found.

On 23rd September 2025 myself and PC 2510 Okeeffe attended the premise following on from the previous visit and to ascertain if the previous breaches identified had been addressed. While there we spoke to [REDACTED] who identified herself as the premise manager. Also present was a female who identified herself as [REDACTED] who worked at the premise as a shop assistant.

[REDACTED] was able to produce evidence of their training, their incident log book, their refusals log and a written age police – that being “challenge 25”.

However, it was noted that their window display was displaying high percentage alcohol, above 15% and these bottles of alcohol were covering both sides of the window, top to bottom. The premise door was also open which was also covered with signage.

There was also a cabinet present at the front of the store which was displaying spirits of 25, 28 and 40%. Advice was given in regards to their conditions which state:

Signature [REDACTED]

Signature witnessed by [REDACTED]

RESTRICTED (when complete)

Page 2 of 3

Statement of. Gemma Gibbs

URN: [REDACTED]

"The premises licence holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of any street facing the 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 area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Commercial Road are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window."

Appropriate guidance was given in regards to removal of the high percentage alcohol and removal of items from the window and door in order to comply with their conditions.

Details of our visit was fed back to the licensing committee who, as a result sent a warning letter to the premise.

On 20th November 2025 PC O'KEEFFE and I returned to the store to follow up on the previous two visits. On arrival we spoke to [REDACTED]

It was noted that the premise licence had been placed in a prominent position on the wall, however a fridge had been placed in front of it partially obstructing it. Challenge 25 signs were being displayed and I was able to view two recent invoices relating to the purchase of alcohol and tobacco to sell, however I was informed all other invoices were currently with the accountant.

I was glad to see some advice had been taken in regards to the last visit and the door had been cleared completely of signs which had previously obstructed the view. The windows had also been considerably cleared since the previous visit, however, there were still obstructions within the middle section of the window, contrary to their conditions. There were also still bottles of alcohol being displayed in the window which were 30% abv and above.

While in attendance at the premise, a male arrived who identified himself as [REDACTED] [REDACTED] stated that he was the owner and was going to become the DPS once he had completed his personal licence course. When asked where the current DPS, Hemen NIGEEN was, [REDACTED] stated that he was in the kebab shop which was a couple of doors away. [REDACTED] stated that HEMEN still attended the premise and was involved in the running of the business.

Hereford Licensing Authority were again made aware of the visit and as a result of the re occurrent breaches have raised a review of the premise license.

The application for review made by Hereford Licensing Authority was received by West Mercia Police Alcohol Licensing department on 26th November 2025. West

Signature

Signature witnessed by [REDACTED]

2023

RESTRICTED (when complete)

Page 3 of 3

Statement of Gemma Gibbs

URN:

Mercia police licensing department supports this application to review the Premise Licence on the grounds of The Prevention of Crime and Disorder.

Signature
Signature witnessed by

2023

From: LConsult@hwfire.org.uk
Sent: 11 December 2025 11:41
To: Licensing <licensing@herefordshire.gov.uk>
Cc: LConsult <LConsult@hwfire.org.uk>
Subject: Review Application - Magazin Timisoara

Hereford and Worcester Fire and Rescue Service support the review of the licence for Magazin Timisoara. There are several Fire Safety Deficiencies that require action within the premises, and at present Mr Hassan, is not co-operating.

Thanks

Charly Perkins AlFireE | Fire Safety Inspector | Protection Department

Hereford & Worcester Fire and Rescue Service |



Details of how the Service manages your personal data can be found on our website [Privacy Policy](#)

If you have made a Freedom of Information or Subject Access Request and have received an automated out of office message please redirect your email to informationrequests@hwfire.org.uk



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

December 2023

Revised Guidance issued under section 182 of the Licensing Act 2003

December 2023



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Any enquiries regarding this publication should be sent to us at The Alcohol Team, The Home Office, 5th Floor, Fry Building (North West), 2 Marsham Street, London, SW1P 4DF.

Email: AlcoholTeam2@homeoffice.gov.uk

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- 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;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.