

Economy, Communities and Corporate Directorate

Director: Geoff Hughes

Hardi Mohammed


Your Ref:

Our Ref: EB/PR00414

Please ask for: Licensing

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Dear Sir

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

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

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

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

These were:

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

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

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

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

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

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

No training records were available.

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

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

There was no log book present.

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

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

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

There were no signs displayed.

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

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

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

There was no refusals register available.

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

Mrs [REDACTED] was unable to produce this.

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

The summary was not displayed.

Both of the above are offences.

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

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

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

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

Yours faithfully,

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

Cc West Mercia Police