



**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 Emma Bowell 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

**Razi Mini Market
100 Widemarsh Street**

Post town Hereford

Post code (if known) HR4 9HG

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

Randjar Mohammed Ismail

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

PR01874

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

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

**Emma Bowell on behalf of the Licensing Authority
Licensing Technical Officer
Herefordshire Council
8 St Owen Street
Hereford
HR1 2PJ**

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)

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

On six (6) separate occasions since September 2019, the premise licence holder has failed to comply with the conditions on the premises licence which falls under the licensing objective Prevention of Crime & Disorder and Protection of Children from Harm, despite having been sent three (3) warning letters from the 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)

The premises licence was granted on 27th August 2019 following the 28day consultation period. The licence was issued without a designated premises supervisor (DPS) due to the proposed DPS (Randjar Mohammed Ismail) not having a personal licence. A letter was sent to the premises licence holder's agent explaining the licence had been granted without a DPS and alcohol cannot be sold until one was in place.

Selling alcohol without a Designated Premises Supervisor (DPS) is a breach of what are known as the mandatory conditions which apply to every premises licence.

On 30th August 2019, the authority received information that the premises was selling and had alcohol on display. The information was shared with West Mercia Police.

On 2nd September 2019 West Mercia Police visited the premises and alcohol was found on display. Additionally the window wrap and display covered more of the view into the shop as required on the premises licence - a breach of the licence. The condition states:

Prevention of Crime & Disorder

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 the 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. (Widow refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street 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.

On 3rd September 2019 a follow up visit was made by West Mercia Police and although the alcohol was covered up, the condition in respect of the window was still in breach.

Following the breach of conditions on 2nd & 3rd September 2019, a warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 3rd September 2019.

Following contact with West Mercia Police on 18th September 2019 it was established that the following condition was not being complied with;

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 further visit by West Mercia Police on 19th September 2019 established that the age verification condition was again not being complied with and also the condition in relation to the window obstruction.

Upon completion of him obtaining his personal licence, an application to Vary DPS was submitted to the authority and the licence was issued 24th September 2019.

Following the breach of conditions on 19th September 2019, a warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 25th September 2019.

On 1st October 2019 West Mercia Police made a further visit to the premises and it was again established that the age verification condition and window obstruction condition was not being complied with. It was further established that the premises did not have a refusals register and the staff had not been trained, therefore are in breach of the below conditions (as well as ones mentioned earlier);

Prevention of Crime & Disorder

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.

Protection of Children from Harm

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.

Following the further and continual breach of conditions, a final warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 3rd October 2019.

On 14th October 2019, West Mercia Police made a further visit to the premises and the age verification condition, training condition, refusals register condition and the window obstruction condition were still not being complied with.

To date the authority has not had any response from the premises licence holder with regards to the breach of conditions.

This does cause the authority some serious concerns, after having given at three (3) previous warnings and not receiving any explanation with regards to the non-compliance.

Based on the significant failure by the premise licence holder/DPS (Randjar Mohammed Ismail) the authority feels that the committee should revoke the premises licence.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Not applicable

Please tick ✓

yes

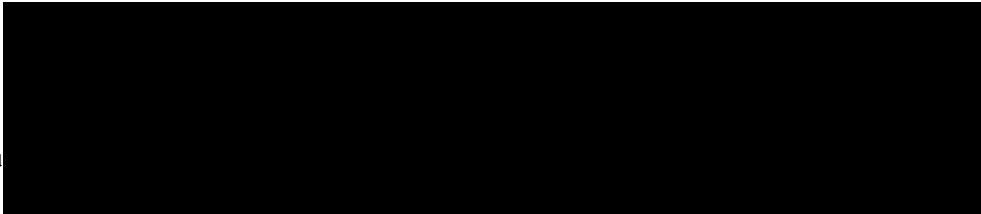
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 **14.10.2019**

Capacity **Licensing Technical Officer**

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

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.