



**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  - have not been withdrawn; and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: <b>Review</b>	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**