

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 22a, Brockington, 35 Hafod Road, Hereford on Friday 18 March 2011 at 11.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PJ McCaull and A Seldon

61. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

62. APOLOGIES FOR ABSENCE

No apologies for absence were received.

63. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

64. DECLARATIONS OF INTEREST

There were no declarations of interest made.

65. [APPLICATION WITHDRAWN] APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'TESCO, ORCHARD LANE, LEDBURY, HR8 1DQ.'

The Licensing Officer advised the sub committee that the application had been withdrawn at the request of the applicant.

66. [APPLICATION WITHDRAWN] APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'TESCO HEREFORD 2, ABBOTSMEAD ROAD, HEREFORD, HR2 7XS.'

The Licensing Officer advised the sub committee that the application had been withdrawn at the request of the applicant.

67. PROCEDURAL ARRANGEMENTS

The sub committee noted the procedural arrangements.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following 2 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.

68. APPLICATION FOR A DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MISCELLANEOUS PROVISIONS ACT 1976 (Pages 1 - 2)

The Principal Lawyer and the Licensing Officer referred to agenda item No. 8 regarding an application for a dual hackney carriage/private hire licence. The applicant provided the Committee with the reasons why they felt that he should be granted a licence.

Members noted that the applicant had declared his previous conviction.

Having considered all of the facts put forward by the Licensing Officer, the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

That the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

69. DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MISCELLANEOUS PROVISIONS ACT 1976 (Pages 3 - 4)

The Licensing Officer referred to agenda item No. 9 and provided the sub committee with the circumstances which had given rise to the need for the holder of a dual Hackney Carriage/Private Hire driver's licence being referred to them. The applicant provided the Committee with details of the circumstances which had given rise to his recent offence of driving without insurance and the reasons why he felt that he should be allowed to continue to hold the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should be permitted to continue to hold the dual driver's licence.

RESOLVED:

That the applicant is a fit and proper person to hold a Dual (Hackney Carriage and Private Hire) Driver's Licence.

70. EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE 'EAST EUROPEAN FOOD, 133 EIGN STREET, HEREFORD, HR4 0AJ' (Pages 5 - 6)

The Regulatory Sub-Committee was convened in order to determine an application for an expedited review of a premises licence for the East European Foods. The Review had been applied for by Superintendent Charles Hill, representing West Mercia Police. The review related to the licensing objective of the prevention of crime and disorder.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following interested party was noted:

- James Mooney (Representing the Applicant for the Review)

The Chairman advised Mr Mooney of the hearing procedures and asked if he required an extension to the 10 minute time limit for public speaking, no extension to the time limit was requested.

The Licensing Officer presented his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police who had requested the review, addressed the sub-committee. He requested that the Sub-Committee suspend the premises licence in accordance with section 53A of the Licensing Act due to two issues of crime and disorder that had occurred at the premises. He confirmed that the offences related to the sale of smuggled cigarettes and alcohol and that a number of items had been seized by customs and excise on two separate occasions in December 2010 and March 2011.

RESOLVED

That the premise licence in respect of East European Foods be suspended as an interim step pending a full review of the premises to take place within 28 days of the application date.

The meeting ended at 12.45 pm

CHAIRMAN

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HEREFORDSHIRE COUNCIL
**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	East European Foods
DESIGNATED PREMISES SUPERVISOR	Mr Ali Ahmed Azad
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Summary Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor A Seldon Councillor PJ McCaull
DATE OF MEETING	18 March 2011

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from James Mooney, representing West Mercia Police.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Council's Licensing Policy. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder.

DECISION

- 1 It is the decision of the Committee that the premises licence for East European Foods be suspended forthwith subject to further review.

REASON

- 1 The Committee has found that there has been serious crime at the premises and has made its decision having heard evidence from West Mercia Police and in accordance with the guidance issued under Section 53A of the Licensing Act 2003 as amended. The Committee therefore decided that to promote the licensing objective of the prevention of crime and disorder the licence should be suspended.

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****ADDITIONAL INFORMATION**

- 1 The Committee is required to review the premises licence in full within 28 days of the application for a summary licence review made on 17 March 2011.
- 2 The Licensee may make representations to the licensing authority in respect of the interim steps at any stage prior to the review. These representations must be heard by Committee within 48 hours (When calculating the 48 hour period any non-working day will be disregarded).
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.