

AGENDA

Regulatory Sub Committee

Date: **Tuesday 11 October 2011**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor JW Hope MBE
Councillor Brig P Jones CBE
Councillor GA Powell

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

	Pages
<p>1. ELECTION OF CHAIRMAN</p> <p style="padding-left: 20px;">To elect a Chairman for the hearing.</p>	
<p>2. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>3. NAMED SUBSTITUTES (IF ANY)</p> <p style="padding-left: 20px;">To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>4. DECLARATIONS OF INTEREST</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. HIGHWAYS ACT 1980, SECTION 119, TO MAKE A PUBLIC PATH DIVERSION ORDER TO DIVERT PART OF BRIDLEWAY HU4 IN THE PARISH OF HUMBER</p> <p style="padding-left: 20px;">To consider an application under the Highways Act 1980, Section 119, to make a public path diversion order to divert part of bridleway HU4 in the parish of Humber.</p>	1 - 4
<p>Background Papers - Footpath HU4 D409 Plan</p>	5 - 6
<p>6. APPLICATION FOR A NEW PREMISES LICENCE 'INTERNATIONAL FOODS LTD, 10 COMMERCIAL ROAD, HEREFORD, HR1 2BB.'</p> <p style="padding-left: 20px;">To consider an application for the grant of a premises licence in respect of 'International Foods limited, 10 Commercial Road, Hereford, HR1 2BB.</p>	7 - 10
<p>Background Papers - International Foods - Application Form</p>	11 - 32
<p>Background Papers - International Foods - Police Representation</p>	33 - 34
<p>Background Papers - International Foods - Trading Standards Representation</p>	35 - 36
<p>7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE 'JALSAGAR RESTAURANT, 60 ST OWENS STREET, HEREFORD, HR1 2PU.'</p> <p style="padding-left: 20px;">To consider a review of a premises licence in respect of the Jalsagar Restaurant, 60 St Owens Street, Hereford, HR1 2PU.</p>	37 - 40
<p>Background Papers - Jalsagar - Application for Review</p>	41 - 48

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- 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.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point A which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

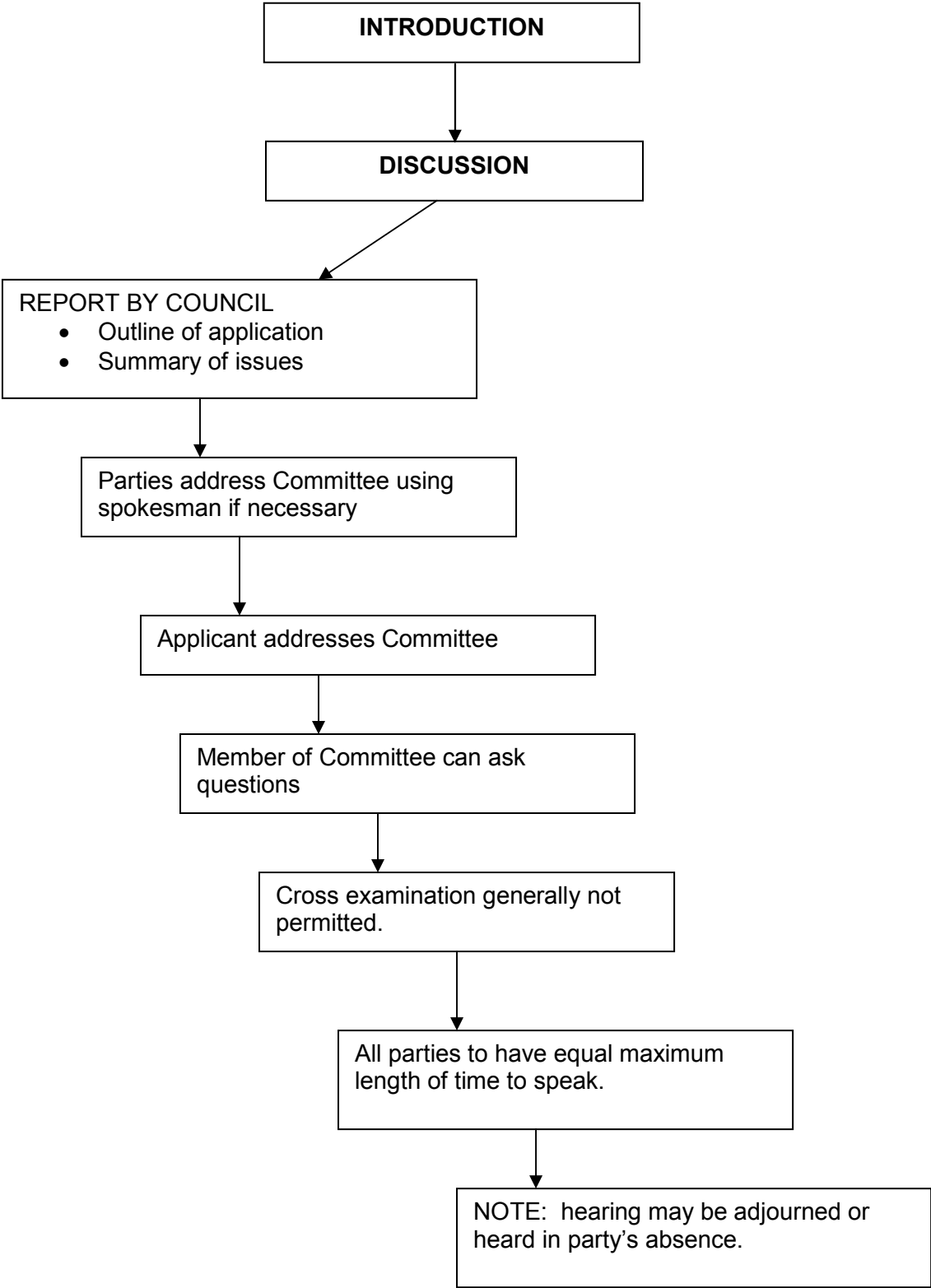
Please do not allow any items of clothing, etc. to obstruct any of the exits.

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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BRIDLEWAY HU4 (PART), HUMBER, PUBLIC PATH DIVERSION ORDER 2011
PORTFOLIO AREA:	Highways and Transportation

CLASSIFICATION: Open

Wards Affected

Hampton Court

Purpose

To consider an application under the Highways Act 1980, Section 119, to make a public path diversion order to divert part of bridleway HU4 in the parish of Humber.

Key Decision

This is not a Key Decision.

Recommendation

THAT a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number D409/193-4.

Key Points Summary

- One of the landowners, Mr Stephen Knight, applied for the diversion of part of bridleway HU4 on 3 November 2010.
- Part of the existing bridleway is not used as it is in close proximity to buildings at Humber Court and Cider Mill House and the majority of users already use the proposed diverted route.
- Informal consultations have taken place and there are no outstanding objections to the proposal; the Parish Council has not objected and neither has the local Ward Member.

Further information on the subject of this report is available from
Chris Chillingworth, Assistant Rights of Way Officer (01432) 842100

Alternative Options

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. Another option would be a different alternative route for the diversion

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in Section 119 of the Highways Act 1980 and Herefordshire Council's public path order policy and there have been no objections at pre-order consultation stage

Introduction and Background

- 3 This report is being considered by the Regulatory Sub-Committee because it has the delegated authority to make the decision whether or not to make an order.

Key Considerations

- 4 Mr. Stephen Knight, one of the affected landowners, made the application on 3rd November 2010. The reason given for making the application was to make the current 'permissive route' used by horse riders the legal route by diverting part of the existing bridleway. The section of bridleway close to Humber Court (section A-F) is not currently shown on the Definitive Map although it is described on the Definitive Statement. The proposed diversion would resolve this anomaly and avoid the need for a definitive Map Modification Order at some future stage.
- 5 The applicant has carried out all pre order consultations. The proposal has general agreement including from the adjoining landowners Mr Richard Collins and Mr. Hugh Fowler-Wright, whose properties are also affected by the application.
- 6 The local member, Councillor Millar, sees no reason to object to the application.
- 7 The proposed diversion meets the specified criteria as set out in Section 119 of the Highways Act 1980, and in particular that:
 - The proposal benefits the owners of the land crossed by the existing paths.
 - The proposal is not substantially less convenient to the public.
 - It would be expedient to proceed with the proposal given the effect it will have on public enjoyment of the bridleway.

Community Impact

- 8 The Parish Council and local user groups have been consulted as part of the process and the proposal has general agreement. Councillor Millar has been consulted and does not object to the proposals.

Financial Implications

- 9 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The applicant has agreed to pay the costs applicable at

the time of the application which are £800 and also to pay costs associated with bringing the diverted bridleway into operation. The other directly affected landowner over whose land part of the diverted bridleway will pass has given his written consent that they will not claim compensation, if this diversion order is made and comes into operation.

Legal Implications

- 10 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

Risk Management

- 11 If an order is made to divert part of bridleway HU4 as recommended within this report, there is a risk that the order will receive objections and would then require referral to the Secretary of State which will increase the demands on officer time and resources. However, extensive informal consultations and negotiations have taken place to minimise the risk of such objections.

Consultees

- 12 Prescribed organisations as per Defra Rights Of Way Circular 1/09:

Local Member – Councillor J Millar

Humber, Ford & Stoke Prior Group Parish Council.

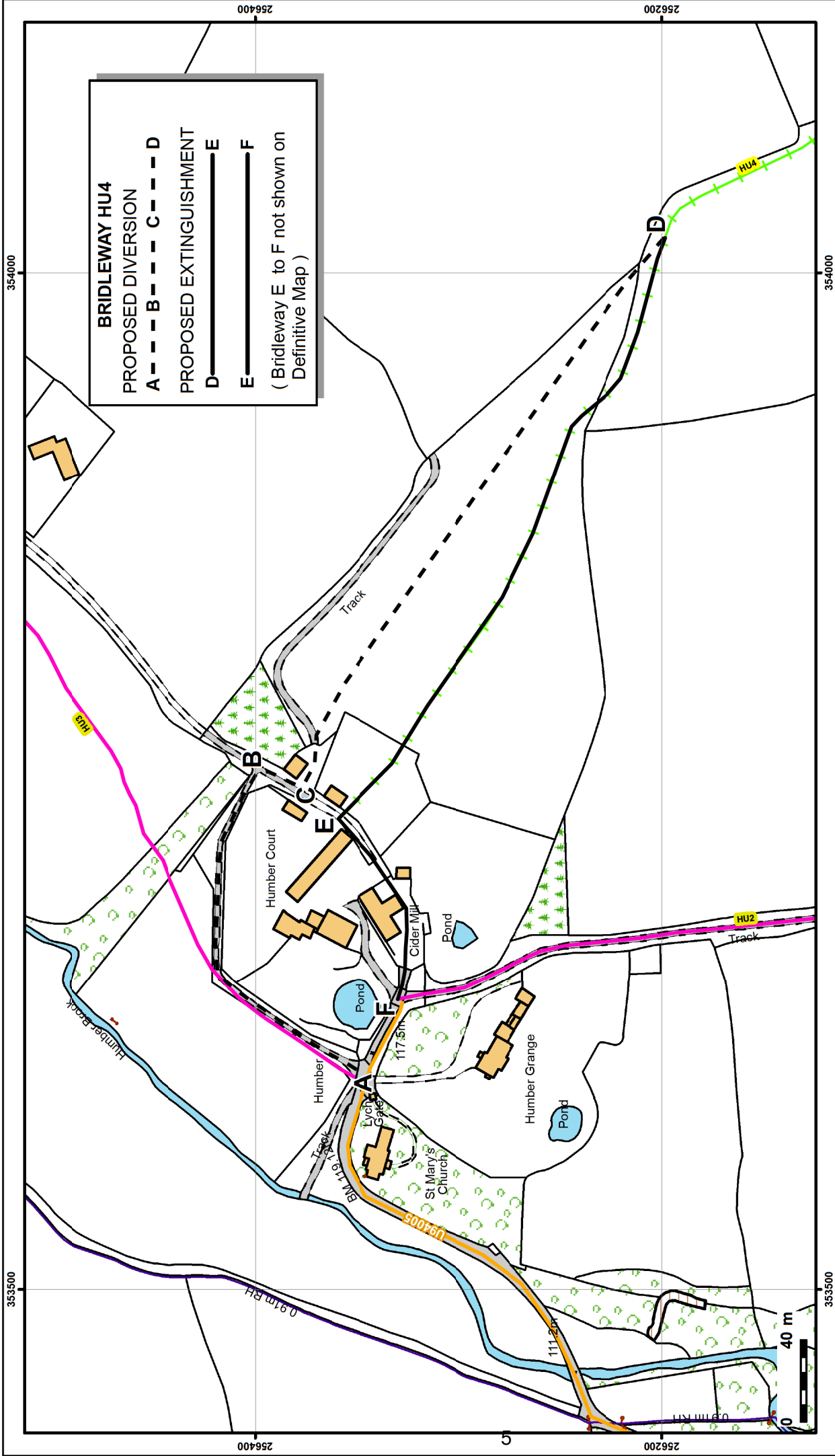
Statutory Undertakers.

Appendices

- 13 Order Plan, D409/193-4 and Order and Schedule.

Background Papers

- None identified.



BRIDLEWAY HU4
PROPOSED DIVERSION
A - - - B - - - C - - - D
PROPOSED EXTINGUISHMENT
D - - - E - - - F
 (Bridleway E to F not shown on Definitive Map)

- PUBLIC FOOTPATH
- PUBLIC BRIDLEWAY
- RESTRICTED BYWAY
- BYWAY OPEN TO ALL TRAFFIC

HIGHWAYS ACT 1980, SECTION 119
COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL
BRIDLEWAY HU4, PARISH OF HUMBER
PUBLIC PATH DIVERSION ORDER 2011

DWG No.: D409/193 - 4
SCALE 1:2,500 @ A4



Amey Herefordshire
 Unit 3, Thorn Business Park
 Rotherwas Industrial Estate
 Hereford HR2 6JT
 Tel.: (01432) 845 900
 Email: ameyherefordshire@amey.co.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE 'INTERNATIONAL FOODS LTD, 10 COMMERCIAL ROAD, HEREFORD, HR1 2BB – LICENSING ACT 2003
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the grant of a premises licence in respect of 'International Foods limited, 10 Commercial Road, Hereford, HR1 2BB.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 necessary 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 Licensing Policy.

Key Points Summary

- **Two (2)** representations from Responsible Authorities (Police & Trading Standards)

Options

- 1 a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	International Foods Limited, 166 Harehills Lane, Leeds, LS8 5JP.	
Solicitor	N/K	
Type of application: New Application	Date received: 18/08/2011	28 Days consultation 15/09/2011

Licence Application

- 4 The application for a new premises licence has received representation and is brought before the committee for determination.

Summary of Application

- 5 The application requests:

Supply of alcoho (off the premises only)

Sunday - Thursday: 08:00 – 23:00

Saturday & Sunday: 08:00 – 00:00

Non Standard Timings:

None

Summary of Representations

- 6 A copy of the representations can be found within the background papers.
- 7 Representations have been made by:

Two (2) from Responsible Authorities (Police & Trading Standards). Both object to the granting of a licence to the premises.

Key Considerations

- 8 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

Community Impact

- 9 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 10 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

- 11 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: -

- 12 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.

- 13 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives.

- 14 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:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

- 15 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

16 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

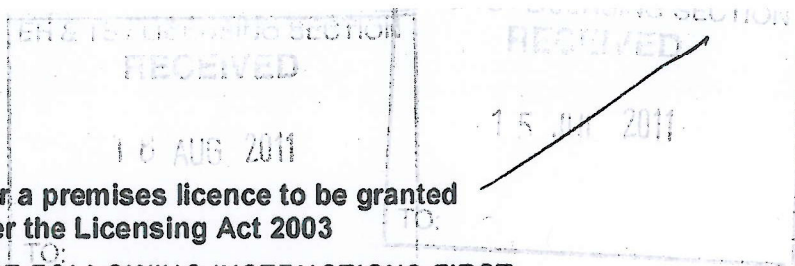
- 17 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 18 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 19 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 20 The applicant has **NOT** produced a copy of the advertisement.

Appendices

- 21
- a. Application Form
 - b. Police Representation
 - d. Trading Standards Representation

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



**Application for a premises licence to be granted
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/We INTERNATIONAL FOODS LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description INTERNATIONAL FOODS 10 COMMERCIAL ROAD			
Post town	HEREFORD	Post code	HR1 2BB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£15750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
 Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name INTERNATIONAL FOODS LIMITED
Address 166 HAREHILLS LANE LEEDS LS8 5JP
Registered number (where applicable) 07002851
Description of applicant (for example, partnership, company, unincorporated association etc.) A PRIVATE LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year		

Please give a general description of the premises (please read guidance note1)
A PURPOSE BUILT BRICK PREMISES OPERATING AS A GENERAL CONVENIENCE
STORE

If 5,000 or more people are expected to attend the premises at any
one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the
Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed				
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</u>	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>		
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u>		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08.00	23.00			
Tue	08.00	23.00			
Wed	08.00	23.00			
Thur	08.00	23.00			
Fri	08.00	00.00			
Sat	08.00	00.00			
Sun	08.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name ARI RASHED RAZYI	
Address 161 BARTON STREET GLOUCESTER	
Postcode	GL1 4HT
Personal Licence number (if known) LEIPRS2081	
Issuing licensing authority (if known) LEICESTER CITY COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	23.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	
Fri	08.00	00.00	
Sat	08.00	00.00	
Sun	08.00	23.00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The DPS fully understands his roles and responsibilities concerning the four licensing objectives obtained within the 2003 Licensing Act, a comprehensive breakdown of these objectives and how to ensure they are met are detailed below. The DPS attended the NCPLH level 2 training programme and his personal licence has been issued by Leicester City Council. The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 Licensing Act including the Challenge 25 rule.

b) The prevention of crime and disorder

The client intends to have installed to the premises a CCTV digital recording system with a minimum of 31 days recording capability to ensure the prevention of crime & disorder. The CCTV will follow the DCMS guidelines for camera systems in licensed premises and will be in accordance with Police recommendations. All members of staff shall be trained to deal with suspicious customers efficiently. All CCTV recordings shall be available to local Police immediately upon request. One member of staff shall be trained to keep the CCTV in full working order at all times. Any alcoholic drinks purchased in the shop shall be for consumption off and away from the premises and strict enforcements shall be in place to ensure this is always adhered to.

c) Public safety

The proposed installed and approved CCTV digital recording system of the premises with a minimum of 31 days recording capability, will monitor all public safety issues. The DPS will be responsible for conducting a Fire Risk Assessment and also a Health & Safety Risk Assessment for the licensed premises. All notices in relation to public health & safety will be displayed at the premises. The DPS will also ensure the premises will be operated in line with the Health & Safety Act and any environmental health issues will be the responsibility of both the licence holder for the premises and the DPS.

d) The prevention of public nuisance

The DPS/Premises licence holder fully understands that it is their duty to prevent their business causing any nuisance to any local residents or businesses. They will monitor the external premises area in relation to any anti-social behaviour or public nuisance. The premises will only accept trade deliveries or rubbish collections during normal working hours. The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti-social behaviour both inside and outside of the premises, the DPS will make any CCTV recordings available to the local Police immediately.

e) The protection of children from harm

The DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the Challenge 25 Rule. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved ID cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their identity when purchasing alcohol. The premises will also have a refusals register, which will be kept at the premises at all times and all refusals by any member of staff shall be recorded. The register will be made available to Responsible Authorities on request.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	22/06/2011
Capacity	Licensing Consultants on behalf of Client

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Personal Licence Training Ltd Unit 3 The Oaks Clews Road			
Post town	Redditch	Post code	B98 7ST
Telephone number (if any)	01527 544 780		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) jo.taylor@personallicencetraining.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Poole, Ady

EMAIL AREA
to APP 1 AREA
25/8/11
RA

From: Mooney, James [james.mooney@westmercia.pnn.police.uk]
Sent: 25 August 2011 12:32
To: Licensing
Subject: FW: International Foods - 10 Commercial Road, Hereford - premises licence application

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a shop premises located at **International Foods, 10 Commercial Road, Hereford**. The application seeks to licence the sale of alcohol only up to a maximum end time of 2300hrs. The applicant also seeks to name Ari Rashed RAZYI as the designated premises supervisor.

Please take this notice as an objection to this application as required as per the Licensing Act 2003.

The grounds for the objection are two fold -

1. The premises is a established convenience store that has operated for at least two years without a licence to sell alcohol. On five separate occasions in 2010, the premises has been subject to a number of visits by Herefordshire Trading Standards, HM Custom and Revenue and West Mercia Police. Some of these visits have been to execute warrants and others as 'test purchasing operations'. All the visits have been intelligence lead based on reliable information that contraband cigarettes and tobacco is being stored and sold at the premises.

To assist the result of these visits established the following -

13/12/2010 - 5.9kg of hand rolled tobacco and 2680 cigarettes seized - non UK tax paid
25/08/2010 - 10.5kg of hand rolled tobacco and 36,780 cigarettes seized - non UK tax paid
16/03/2010 - 4.5kg of hand rolled tobacco and 900 cigarettes seized - non UK tax paid
25/02/2010 - test purchase operation - 50g of tobacco sold - non UK duty paid
18/02/2010 - test purchase operation - 50g of tobacco sold - non UK duty paid

These matters are viewed as serious crime and if the premises had been licensed under the Licensing Act 2003, would have resulted in a review application by West Mercia Police if a premises licence had been in place with a request that the premises licence be revoked. The sale of contraband goods is view as serious by the Secretary of State as indicated in the guidance issued under S182 of the Licensing Act 2003 (part 11.26)

Additionally West Mercia Police are still receiving information as at this date that this sort of conduct is still taking place at this premises.

2. The location of the premises is within the designated cumulative impact zone for Hereford city. This location is subject to a special appendix within Herefordshire Council Licensing Policy.

There is a rebuttable assumption within the licensing policy that all applications for new

25/08/2011

premises licences (sic) will be refused. This is because of the high level of crime, disorder and nuisance that occurs within this prescribed area due to the high level of licensed premises within the area. Commercial Road and its nearby streets have long been the 'number 1 hot spots' for crime and disorder issues, the majority of which are alcohol related and all of which directly impact on Herefordshire Council Licensing Policy and the requirement to promote the licensing objectives.

At this time, there are two off-licence type premises within this zone that are licensed to sell alcohol until 2300hrs. There are a number of others within close walking distance of Commercial Road. To allow an additional similar premises would seriously undermine the licensing objectives of the -

Prevention of crime and disorder
Public safety
Prevention of public nuisance.

Within the period of 01 January 2011 to 01 August 2011, the following number of incidents have been reported and recorded by West Mercia Police in the Commercial Road area.

Public order reports - 81 incidents
Anti social behaviour reports - 87 incidents
Assault allegations - 43 incidents
Total calls received - 210

Within the period of 01 January 2010 and 31 December 2010 the figures indicate the following -

Public order reports - 107 incidents
Anti social behaviour reports - 137 incidents
Assault allegations - 72
Total calls received - 316

Whilst it can be said that the majority of these incidents have occurred after 2300hrs, it is also correct that the vast majority are alcohol related. It is not an automatic assumption however that alcohol consumed in these incidents is purchased at 'pubs and clubs'.

You will see that the figures provided show a consist high level of incidents, there are on going policing operations and stragey in place that do impact on day to day policing taking resources away from other roles and resulting in higher levels of resources being allocated to patrol at the peak times after 2000hrs and especially at weekends.

West Mercia Police are of a view that to grant a premises licence for this premises would serious undermine the promotion of the licensing objectives because of the reasons stated.

Jim Mooney
Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmercia.pnn.police.uk

25/08/2011

Poole, Ady

From: Hough, David
Sent: 06 September 2011 13:02
To: Licensing
Cc: Wilson, Leah
Subject: International Foods 10 Commercial Road Hereford

Categories: ady

Herefordshire Council Trading Standards are in receipt of an application for a new premises licence for the premise International Foods 10 Commercial Road Hereford.

The Trading Standards object to this application for a licence under the Licensing Act 2003 for the following reasons.

Trading Standards along with HM Customs and Revenue and West Mercia Police have had cause to visit this premise on a number of occasions in regard to supply of non UK duty paid tobacco, tobacco that does not show the tobacco safety warnings required by regulations made under the Consumer Protection Act 1987, the illegal use of trade marks under The Trade marks Act and sales of tobacco to persons under age of 18. This has resulted in test purchase operations where non duty paid/non safety warning labelled tobacco has been sold along with the sale of tobacco to a person under the age of eighteen. Subsequent visits after executing warrants have resulted in seizure of quantities of non uk duty paid /non safety warning tobacco have been seized. See details listed below.

Dates/amount seized

25/8/2010 - 10.5kg HRT; 36,780 cigarettes (non duty paid)

13/12/2010 - 5.9kg; 2680 cigarettes (non duty paid)

18/2/2011 - Test purchase made by consumer after complaint 50g golden Virginia (non duty paid)

25/2/2011 - Successful test purchase of 50g golden Virginia (non duty paid)

16/3/2011 - 4.5kg HRT; 900 cigarettes (non duty paid)

These are serious matters and show although the product is tobacco there are already issues regard the protection of children from harm.

Regards

David Hough

David Hough
Principal Trading Standards Officer
Environmental Health and Trading Standards
Peoples' Services Directorate
Health and Well Being Services
Herefordshire Council
PO Box 233
Hereford
HR1 2ZF
Tel No. 01432 260011
Email. dough@herefordshire.gov.uk
GCSX. dough@herefordshire.gcsx.gov.uk
Council's Homepage www.herefordshire.gov.uk

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE: JALSAGAR RESTAURANT, 60 ST OWENS STREET, HEREFORD. HR1 2PU.
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider a review of a premises licence in respect of the Jalsagar Restaurant, 60 St Owens Street, Hereford, HR1 2PU.

Key Decision

This is not a Key Decision.

Recommendation

THAT 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 necessary to promote the licensing objectives,
- The Police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Police on 30 August 2011.

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	David Shaw – Chief Constable of the West Mercia Constabulary, c/o Police Station, Bath Street, Hereford.	
Premise Licence Holder	Mrs Wahida Khatun 14 Eleanor Avenue, Hereford, Herefordshire HR1 1YE	
Solicitor	Not known	
Type of application: Review	Date received: 30 August 2011	28 Days consultation 27 September 2011

3 The grounds for the review:

Can be found in Appendix 1 Page 3

4 The information submitted to support the grounds:

Can be found in Appendix 1 Page 4

5 Current Licence

The current licence authorises the following licensable activities during the hours shown: -

Provision of Late Night Refreshment; Sale by retail of alcohol

On weekdays, other than Christmas Day, Good Friday or New Year's Eve: from 10 am to 12 midnight.

On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm

On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

6 Representations

Copies of the application have been sent to the responsible authorities.

No further representations have been received

Key Considerations

- 7 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 (who is not also a responsible authority).

Community Impact

- 8 There is likely to be little outcome on the Community.

Legal Implications

- 9 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 10 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 11 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 12 The notice of review was displayed on the premises. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 13 Appendix 1. Review Application Form

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

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.

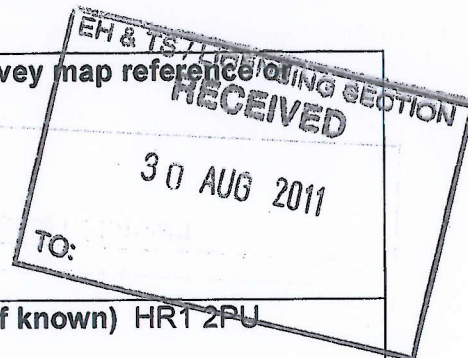
I David SHAW - Chief Constable West Mercia Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 description Jalsagor Restaurant 58-60 St Owen Street	
Post town Hereford	Post code (if known) HR1 2PU



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

Number of premises licence or club premises certificate (if known) PRO00210
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 James MOONEY Police Licensing Officer (South Hub) Territorial Policing Unit - Herefordshire Hereford Police Station Bath Street Hereford. HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional)

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

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

Please state the ground(s) for review (please read guidance note 1)

The premises is a well established restaurant near to the city centre of Hereford. The premises is licensed for the sale of alcohol and the provision of late night refreshment

As a result of intelligence a number of enforcement visits have been made to the premises by the UK Border Agency and West Mercia Police. Two visits in 2011 have resulted in a number of members of staff being detained for immigration offences.

A total of 6 persons were detained. It is the view of West Mercia Police that the employment of these persons is serious financial gain for the premises licence holder as no UK tax and insurance are paid. It shows a lack of control and management of the premises by this person. In addition the activity involves criminal conduct by the premises licence holder and a disregard to legal requirements concerning the employment of non UK or EU nationals.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

As a result of intelligence two warrants have been executed at the premises in 2011, with regards to the employment of illegal immigrants.

19/04/2011 - 3 Bangladeshi males were detained at the premises. All were working at the premises illegally. None had any residential or employment status in the UK. Two were taken into custody. The third male was later released as he claimed asylum status whilst in detention. One of the two males taken into custody was later released from detention due to a procedural issue out of the control the UK Border Agency. This male was later detained at the same premises on 20/07/11. All three were employed at the premises as waiters.

20/07/2011 - 3 Bangladeshi males were detained at the premises. One of these males had previously been detained at the premises on 19/04/2011. One of the males was later released as he claimed asylum whilst in detention. The other two remain in detention awaiting deportation. All three were employed at the premises as waiters. Two of them were living at the premises.

In addition one further male was found to be in breach of his student study visa as he had failed to attend his course. He was released whilst further investigation was undertaken. Attendance on the student course is a condition of temporary employment in the UK

No documentation was held at the premises with regards to the employment of these males.

At the time of both visits the premises licence holder was not present. It appears that from speaking to the staff, that her husband Joynal ABADEN is the manager of the premises and that he recruits all staff and pays them directly with cash.

The issues of illegal entry and overstaying by immigrants is a serious matter which impacts on the economy of the UK through non payment of tax and national insurance. The disregard of immigration legislation is a criminal offence and shows a serious neglect by the premises licence holder Mrs KHATUN to promote the licensing objective of the prevention of crime and disorder.

Action by the UK Border Agency Civil Penalty Department has been commenced. As a result of the events of 19/04/2011, a notice indicating a fine of £15000 was served on the holding company for the premises - Jalsagor Indian Cuisine Ltd. This fine was not paid as it appears the company went into liquidation, a further notice was raised and served for the same fine on a company called Dena Restaurant Ltd who are the holding company for the premises. This fine has not been paid.

As a result of the events of 20/07/2011, a similar fine has been served on the same registered company.

As at this date these fines have not been paid or the amount appealed.

Please tick yes

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

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 25 August 2011

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

