

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 22a, Brockington, 35 Hafod Road, Hereford on Wednesday 25 July 2012 at 11.30 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: BA Durkin and RC Hunt

28. ELECTION OF CHAIRMAN

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

29. APOLOGIES FOR ABSENCE

No apologies for absence were received.

30. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

31. DECLARATIONS OF INTEREST

There were no declarations of interest made.

32. APPLICATION FOR AN EXPEDITED REVIEW OF A PREMISES LICENCE 'EUROPEAN FRESH FOODS, 141-143 EIGN STREET, HEREFORD, HR4 0AJ.'

The Regulatory Sub-Committee was convened in order to determine an application for an expedited review of a premises licence for European Fresh Foods, 141-143 Eign Street, Hereford. 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 and the protection of Children from Harm.

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 the attendees of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Officer presented his report. He advised Members that the Premises Licence holder had received notification of the hearing. He added that an agenda had been also been sent to the home address of the licence holder.

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 advised Members that at 18:30 hours on Saturday 21 July 2012 the premises was visited as part of a test purchase operation and two young people aged 14 and 15 were

served alcohol. He added that questions were asked in respect of the nationality and employment status of the male who had made the sale. Following further checks it was ascertained that the male was permitted to live and work in the United Kingdom. Whilst officers were at the premises a full search was carried out and 3 boxes of vodka and approximately 3000 cans of lager were found; it was believed that no ok tax or duty had been paid on these items. Mr Mooney confirmed that Her Majesty's Revenues and Customs Officers were currently at the premises investigating the status of the alcohol.

The Chairman requested that the meeting be adjourned for 30 minutes in order for Mr Mooney to establish if the alcohol found at the premises had been subject to UK taxes and duty.

The meeting was reconvened at 1:00 pm and Mr Mooney confirmed that the alcohol found on the premises had not been the subject of UK taxes or duty and had therefore been seized by HMRC.

RESOLVED

That the premises licence in respect of European Fresh Foods, 141-143 Eign Street, Hereford, HR4 0AJ 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 12.20 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	European Fresh Foods
PREMISES LICENCE HOLDER	Mr Bakhtyar Khedir Mohammed
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Expedited Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
DATE OF MEETING	25 July 2012

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 European Fresh Foods, 141-143 Eign Street, Hereford, HR4 0AJ be suspended forthwith subject to a full 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 23 July 2012.
- 2 The full review hearing has been set for 14 August at 10:00 am in the Council Chamber, Brockington, 35 Hafod Road, Hereford, HR1 1SH.
- 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.