

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 14 August 2012 at 10.00 am**

**Present:** Councillor JW Hope MBE (Chairman)

Councillors: BA Durkin and RC Hunt

**33. ELECTION OF CHAIRMAN**

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

**34. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**35. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the hearing.

**36. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**37. APPLICATION FOR A NEW PREMISES LICENCE 'WORMELOW CRICKET CLUB, KENNEL FIELD, WORMELOW, HR2 8EJ' (Pages 5 - 8)**

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of Wormelow Cricket Club. The application was submitted in accordance with Section 17 of the Licensing Act 2003.

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

- Mr Boulter (Representing the Applicant)
- Mr Hough (Representing Trading Standards)
- Mr Mooney (Representing West Mercia Police)

The Chairman read out the introductory notes and requested that any extensions to the 10 minute time limit permitted for representations be made. No requests were made.

The Licensing Manager presented her report and advised the Sub-Committee that the advertisement had been received and was accepted. She advised the Sub-Committee that neither of the local residents who had submitted representations would be present at the hearing however she did read out both representations in full.

Mr Boulter addressed the Sub-Committee in support of his application. He advised that Wormelow Cricket Club had consulted with the neighbouring residents prior to submitting the application in order to address their concerns. He apologised for an event that had caused concern to the neighbouring residents and advised the Sub-Committee that this event, which

had taken place on New Year's Eve, was not a cricket club event. He added that similar events would not take place in the future.

In response to a question, Mr Boulter advised that the club would not be open on a regular basis over the winter months however it would be open if an event was taking place.

In response to concerns raised by the Sub-Committee, Mr Boulter confirmed that the Club premises would not be sublet again in the future and that all events would be monitored by the cricket club committee.

**RESOLVED:**

**THAT the application for a new premises licence at Wormelow Cricket Club be approved subject to the conditions detailed in the attached decision notice.**

**38. FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW  
'EUROPEAN FRESH FOODS, 141 - 143 EIGN STREET, HEREFORD, HR4 0AJ  
(Pages 9 - 10)**

The Licensing Officer advised the Sub-Committee that they were required to undertake a full review of the premises licence within 28 days of an application for an expedited review being received by the Police. He added that there was a right of appeal and that any decision made by the Sub-Committee would have no effect until the appeal had been disposed of.

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 had confirmed that the alcohol seized from the premises had not been the subject of UK duty. Mr Mooney produced photographs of the alcohol in situ prior to it being seized by HMRC Officers.

Mr Mooney confirmed that 1587.5 litres of lager and 14.7 litres of vodka had been seized and that HMRC had estimated that UK tax in the region of £2643 had been avoided.

In summing up Mr Mooney advised the Sub-Committee that the Secretary of State viewed the sale of smuggled alcohol as a serious matter as set out in the guidance issued under Section 182 of the Licensing Act 2003. Part 11.30 of the guidance indicated that serious consideration should be given to the revocation of a premises licence in these instances, even for a first offence. He added that it was the view of West Mercia Police that the premises licence should be revoked.

David Hough, representing Herefordshire Council's Trading Standards team, also addressed the Sub-Committee and concurred with the views of West Mercia Police. He added that the licence had only recently been granted and the person who had made the sale had clearly received no training, therefore the applicant was in breach of his licence conditions regarding his duties in respect of staff training and 'Challenge 25'.

The Sub-Committee retired to make their decision. The Acting Principal Lawyer and the Democratic Services Officer retired with them to offer legal and procedural advice.

When the meeting was reconvened the Acting Principal Lawyer read out the decision of the sub-committee which resolved to revoke the premises licence.

The Acting Principal Lawyer advised that the Sub-Committee had considered the removal of the Designated Premises Supervisor but considered this an inadequate response in accordance with paragraph 11.21 of the guidance issued under section 182 of the Licensing Act 2003. He also added that they had decided not to adjourn any decision pending a full investigation as it was not the Committee's duty to determine guilt or innocence, this was supported by paragraph 11.25 of the guidance.

The Committee were satisfied that there had been good service of all communications from all agencies. They made their decision in order to promote the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

**RESOLVED:**

**THAT the premises licence in respect of European Fresh Foods, 141-143 Eign Street, Hereford, HR4 0AJ, be revoked.**

**39. APPLICATION TO LICENCE A VEHICLE OUTSIDE OF THE STANDARD VEHICLE LICENCE CONDITIONS (Pages 11 - 12)**

The Committee noted that the applicant was currently on holiday, and could not be present at the hearing. However following advice from their legal advisor they decided that they could determine the application in the applicant's absence.

The Sub-Committee noted that the conditions were extensively consulted upon and agreed by Members of the main Regulatory Committee. It was noted that whilst each application must be considered on its own merits there did not appear to be any compelling circumstances to deviate from the model conditions in this case. In summing up they added that the condition regarding age had been in place since 2002 and the applicant was fully aware of this condition prior to purchasing his vehicle.

**RESOLVED**

**THAT the application to licence a vehicle outside of the standard vehicle conditions be refused.**

The meeting ended at 11.30 am

**CHAIRMAN**