

AGENDA

Regulatory Sub Committee

Date: **Thursday 8 January 2015**

Time: **11.00 am**

Place: **Committee Room 1, The Shire Hall St Peter's Square
Hereford HR1 2HX**

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

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: Clive.lloyd@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail Clive.lloyd@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor A Seldon
Councillor P Sinclair-Knipe
Councillor GA Vaughan-Powell**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
5. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF SUPERSAM, 141-143 EIGN STREET, HEREFORD, HR4 0AJ - LICENSING ACT 2003 To consider an application for a premises licence in respect of SuperSam, 141-143 Eign Street Hereford HR4 0AJ	9 - 82

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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.
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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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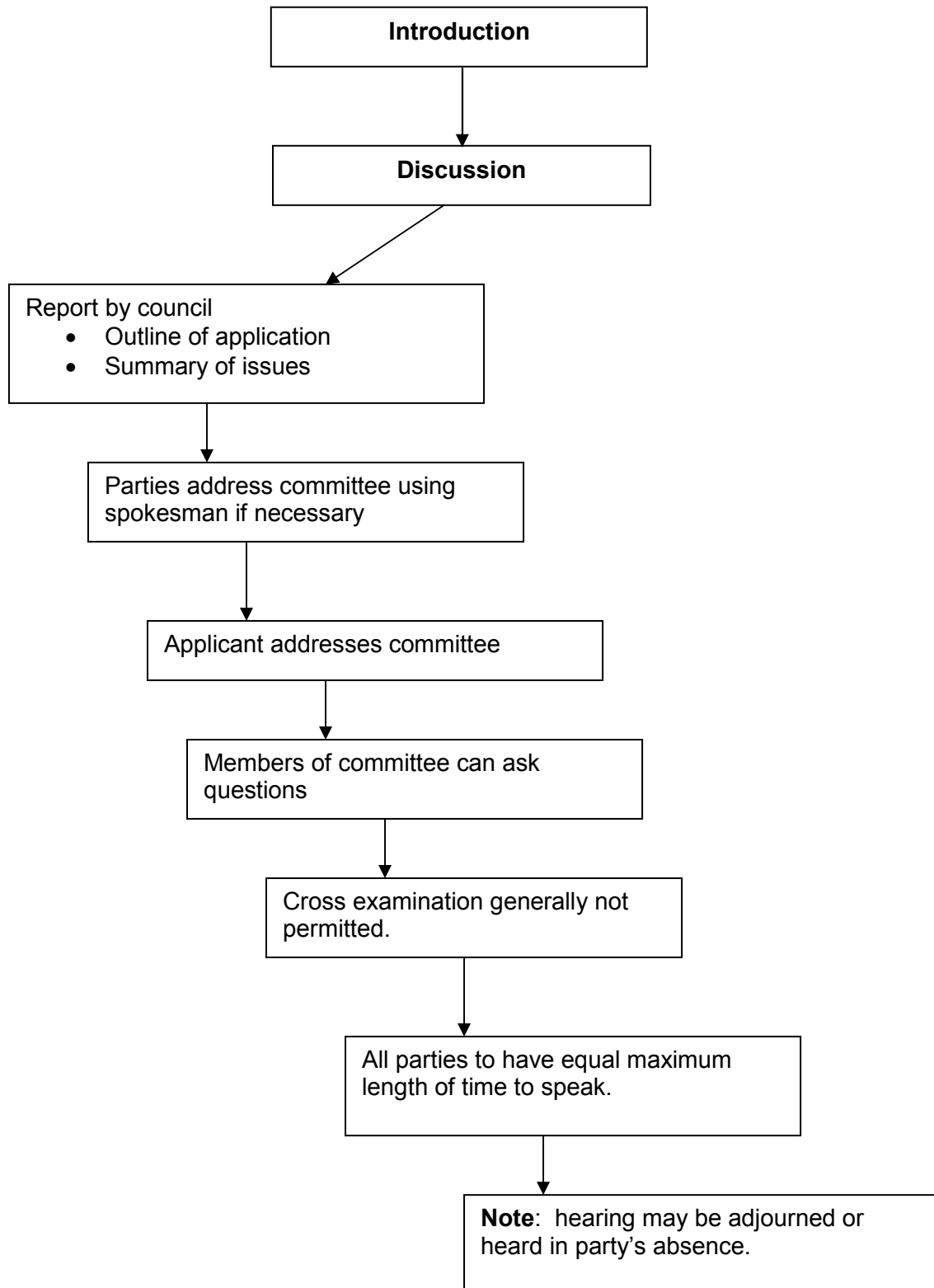
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Licensing Hearing Flowchart



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	8 JANUARY 2015
TITLE OF REPORT:	APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF SUPERSAM, 141-143 EIGN STREET, HEREFORD, HR4 0AJ – LICENSING ACT 2003
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision

3. Wards Affected

St Nicholas Ward

4. Purpose

To consider an application for the grant of a premises licence in respect of SUPERSAM, 141-143 EIGN STREET, HEREFORD, HR4 0AJ

5. 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 Licensing Policy.

6. Key Points Summary

- The application requests the granting of a new premises licence for a General Store selling alcohol for consumption off the premises between 8am and 10 pm seven days a week
- Trading Standards have objected outright to the application
- The Police have made representations which have been accepted
- This is the 2nd time that an application has been made for a premises licence, by this applicant trading as Supersam, at these premises. On the previous occasion both the police and trading standards objected to the grant of the licence and the application was withdrawn
- This premises has previously been licensed, however that licence was revoked in 2012 as a result of issues concerning the sale of alcohol to underage persons and supply of illegal (non duty paid) alcohol & tobacco. This matter was appealed to Magistrates court and the decision to revoke the premises licence was upheld.

7. Options

There are a number of options open to the Sub-Committee:

- 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,
- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate 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.

8. Reasons for Recommendations

To ensure compliance with the legislation.

9. Introduction and Background

Background Information

Applicant	Heman JAMAL Supersam 141-143 Eign street, Hereford HR4 0AJ	
Solicitor	Patrick Burke PMB Licensing – Agent for the Applicant	
Type of application: New	Date received: 12th November 2014	28 Days consultation ended 10th December 2014

10. Licence Application

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

11. Summary of Application

The application requests the following licensable activities:

Sale/Supply of alcohol 0800 – 2200 daily
(For consumption off the premises)

12. Summary of Representations

A copy of the representations can be found within the background papers.

Representations have been made by:

Two (2) of the Responsible Authorities (Police, Trading Standards)

Trading Standards object to the application.

The Police representations have been accepted.

13. Additional Information Requested

In order to clarify certain matters the Licensing Authority in accordance with Regulation 7(1)(d) have requested the following:

The Licensing Authority shall require documentary evidence to show that the applicant is the current owner of the premises OR documentary evidence to show that the applicant currently holds the lease for the premises. The lease shall also show from whom the premises are leased.

14. Key Considerations

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

15. Equality and Human Rights

No implications have been identified.

16. Financial Implications

There are unlikely to be any financial implications at this time to the authority.

17. Community Impact

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

18. Legal Implications

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.

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: -

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.

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.

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.

19. Right of Appeal

Schedule 5 gives a right of appeal which states:

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).

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.

20. Consultees

Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

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.

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.

The applicant has produced a copy of the advertisement which is correct.

21. Risk Management

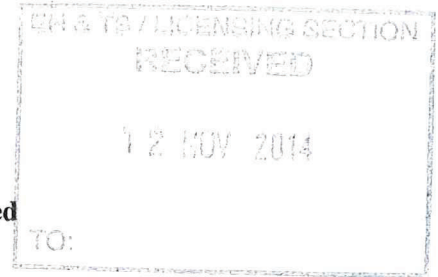
No risk identified

22. Appendices

- a. Application Form received 12.11.2014
- b. Trading Standards Representation 03.12.14
- c. Police Representation 09.12.2014 and applicant agreement 11.12.14
- d. Application form from June 2014
- e. Trading Standards Representation 23.06.14
- f. Police Representation 20.06.14
- g. European Fresh Foods premises licence
- h. European Fresh Food expedited review Application 06.08.2012
- i. European Fresh Food Review – decision notice 14.08.2012

23. Background Papers

Background papers are available for inspection in Committee Room 1, Shirehall, Hereford, HR1 2HX 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 HEMAN JAMAL
(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 SUPERSAM 141 – 143 EIGN STREET HEREFORD HEREFORDSHIRE			
Post town	HEREFORDSHIRE	Postcode	HR4 QAJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£6300

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England 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 X

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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname JAMAL			First names HEMAN		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		SUPERSAM 141 - 143 EIGN STREET HEREFORD HEREFORDSHIRE			
Post town	HEREFORDSHIRE			Postcode	HR4 QAJ
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0 9	1 2	2 0 1 4

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

DD	MM	YYYY
± ±	± ±	± ± ± ±

Please give a general description of the premises (please read guidance note
**DOUBLE FRONTED GENERAL STORE WISHING TO SELL ALCOHOL ALONG WITH THE
 OTHER PRODUCTS ON OFFER**

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 any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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					
Thur					
Fri					
Sat					
Sun			State any seasonal variations for performing plays (please read guidance note 4)		
			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 (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
State any seasonal variations for the exhibition of films (please read guidance note 4)				
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 (please read guidance note 5)				

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)			Will the boxing or wrestling entertainment 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"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live 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 performance of live music (please read guidance note 4)			
Thur			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 (please read guidance note 5)			
Fri						
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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

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					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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	22:00						
Tue	08:00	22:00						
Wed	08:00	22:00						
Thur	08:00	22:00						
Fri	08:00	22:00						
Sat	08:00	22:00						
Sun	08:00	22:00						
						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 designated premises supervisor:

Name HEMAN JAMAL	
Address SUPERSAM 141 – 143 EIGN STREET HEREFORD HEREFORDSHIRE	
Postcode	HR4 QAJ
Personal licence number (if known) 2499	
Issuing licensing authority (if known) HEREFORDSHIRE COUNCIL	

K

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).
NON

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	22:00	<p><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)</p>
Tue	08:00	22:00	
Wed	08:00	22:00	
Thur	08:00	22:00	
Fri	08:00	22:00	
Sat	08:00	22:00	
Sun	08:00	22:00	

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

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

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

- All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.
- Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.
- Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises, and made available to officers from Trading Standards, the Police or HMRC, upon request
- A stock control system will be maintained, to enable the licensee and designated premises supervisor to quickly identify where and when alcoholic and tobacco product have been purchased
- An ultra-violet light will be available at the premises and will be used for the purpose of checking the UK Duty Stamps on spirits as soon as practicable after purchase
- If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Staffordshire County Council Trading Standards and HMRC as soon as possible.
- If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Staffordshire County Council Trading Standards and HMRC as soon as possible.

~~Protecting Children from Harm~~

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.
3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.
4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
5. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
6. All CCTV images will be retained for a period of not less than 31 day
7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.
8. All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
9. At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.
10. A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.
11. These should be individual entries covering short periods of time only and should not exceed more than a three week period.
12. The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

c) Public safety

ALL EMERGENCY LIGHTING WILL BE CHECKED WEEKLY
ENTRANCES , EXITS AND PASSEGEWAYS ARE KEPT CLEAR

d) The prevention of public nuisance

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES
ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER

e) The protection of children from harm

- A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.
- Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.
- A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.
- All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

Checklist:

Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	[REDACTED]
Date	10.11.14
Capacity	AGENT FOR THE APPLICANT

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)

PMB LICENSING
 THE DOG AND PARTRIDGE
 136 HIGH STREET

Post town	DUDLEY	Postcode	DY5 3BP
Telephone number (if any)	07779351620		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
pmblicensing@yahoo.com			

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.

Consent of individual to being specified as premises supervisor

HEMAN JAMAL

[full name of prospective premises supervisor]

of

141 - 143 EIGN STREET
HEREFORD
HEREFORDSHIRE
HR4 0AJ

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES LICENCE

[type of application]

by

HEMAN JAMAL

[name of applicant]

relating to a premises licence

TBA

[number of existing licence, if any]

for

SUPERSAM
141 - 143 EIGN STREET
HEREFORD
HEREFORDSHIRE
HR4 0AJ

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

HEMAN JAMAL

[name of applicant]

concerning the supply of alcohol at

SUPERSAM

141 - 143 EIGN STREET

HEREFORD

HEREFORDSHIRE

HR4 0AJ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

2499

[insert personal licence number, if any]

Personal licence issuing authority

HEREFORDSHIRE COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

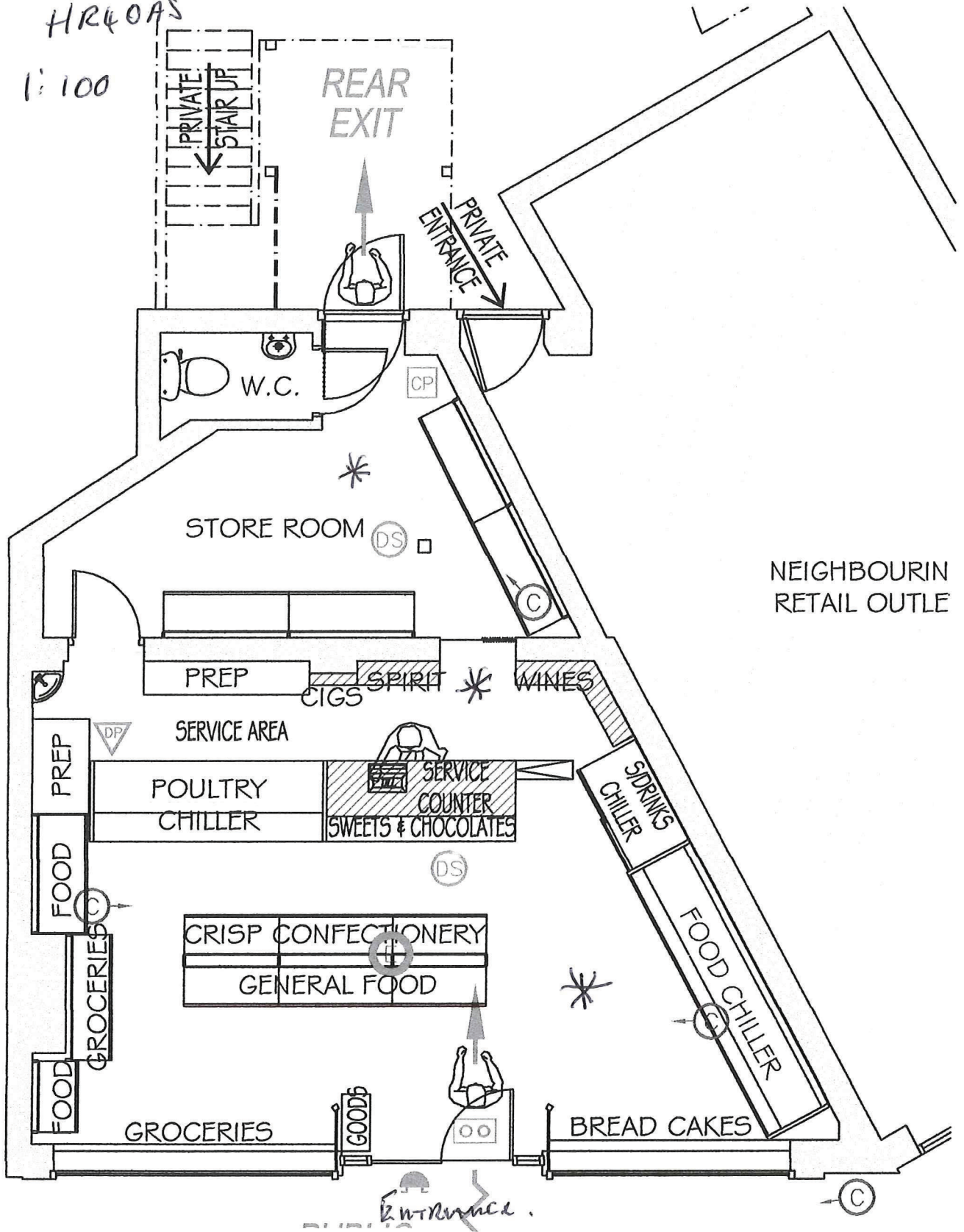
HEMAN JAMAL

Date

10-11-14

SUPER SAM
 141-143 KING ST
 HR40AS

SCALE 1:100



NEIGHBOURIN
 RETAIL OUTLE

* LICENSABLE ACTIVITY

FORM OF AUTHORITY

**APPLICATION FOR A PERSONAL LICENCE
AND/OR PREMISES/ VARIATION LICENCE/
TRANSFER OF LICENCES/T.E.N/APPEAL**

I give consent for:

**PATRICK M BURKE F.B.I.I
OF
PMB LICENCING**

- to act as my agent in connection with any applications made under the Licensing Act 2003 and for authority for all correspondence, licences and permits for the enclosed application to be forwarded to his office.

Signed..... 

Print Name... HEMAN JAMAL

Date... 10.11.14

**PMB LICENCING
The Dog and Partridge
136 High Street, Dudley, West Midlands, DY5 3BP
Tel: 0800 2425011
Mobile: 07779 351620**

From: Hough, David
Sent: 03 December 2014 13:28
To: pmblicensing@yahoo.com
Cc: Licensing; Wilson, Leah
Subject: Application for a premise licence for Super sam 141-143 Eign Street Hereford
To PMB Licensing

Herefordshire Council Trading Standards are in receipt of an application for a new premises licence for Supersam, 141-143 Eign Street, Hereford. This Service's primary aim is to for protecting children from harm which is linked with preventing crime and disorder.

Herefordshire Council Trading Standards **object** to this application on the grounds that by allowing this application the licensing objectives in respect to protecting children from harm and the prevention of crime and disorder would be undermined.

In brief the premise was subject to a revocation of its premise licence in 2012 following a sale of illicit alcohol to children under the age of 18.

February 2014 large consignment of illicit tobacco is seized from the leaseholder.

There is connection between the current applicant and the leaseholder.

June 2014 the current applicant previously applies for premise licence but was withdrawn because of association and above.

Lease holder disappears current applicant denies knowing leaseholder summonses are left at shop. Although current owner denied knowing/ seeing lease holder the leaseholder turns up at court on the date required.

Trading Standards believe that current applicant does not have a financial interest in the business as he does not currently own the lease and that the previous owner is using this to get back his premise licence.

Trading Standards request that evidence is provided that the current applicant is the lease holder .

Regards

David Hough
Service Manager
Trading Standards, Animal Health and Community Protection
Economy, Communities & Corporate Directorate
Herefordshire Council
Blueschool House
PO Box 233
Hereford
HR1 2ZB
Tel No. 01432 260011
Email: dhough@herefordshire.gov.uk
GCSX: dhough@herefordshire.gcsx.gov.uk

From: Patrick Burke [pmblicensing@yahoo.com]

Sent: 11 December 2014 09:13

To: Poole, Ady

Subject: Re: Read report : Police representations: Supersam, Eign Street, Hereford - new application
I can confirm my client agrees to the proposed conditions in full and is happy for them to form conditions on the license when issued

Patrick Burke
PMB Licensing
Agent for the Applicant

On Tuesday, December 9, 2014 7:03 PM, "pmblicensing@yahoo.com" <pmblicensing@yahoo.com> wrote:

Recipient: pmblicensing@yahoo.com

Time of reading : 09/12/2014 06:51 PM

Subject: Police representations: Supersam, Eign Street, Hereford - new application

Please find below representations from West Mercia Police regarding the premises licence application for Supersam. If you have any queries regarding them, then in the first instance contact the Police Licensing Officer. If you/your client agree with them please respond to this email stating that they are agreed in full and they will form conditions on the licence when issued. Kind regards Adrienne Poole Licensing Officer, Economy, communities and corporate directorate Environmental Health & Tradin

From: Poole, Ady

Sent: 09 December 2014 15:33

To: 'pmblicensing@yahoo.com'

Subject: Police representations: Supersam, Eign Street, Hereford - new application

Please find below representations from West Mercia Police regarding the premises licence application for Supersam

If you have any queries regarding them, then in the first instance contact the Police Licensing Officer.

If you/your client agree with them please respond to this email stating that they are agreed in full and they will form conditions on the licence when issued

Kind regards

Adrienne Poole

Licensing Officer,
Economy, communities and corporate directorate
Environmental Health & Trading Standards
Council Offices
PO Box 233 Blueschool House
HR1 2ZB


Tel: 01432 261761

Fax: 01432 261982

email: apoole@herefordshire.gov.uk

Council's Homepage www.herefordshire.gov.uk

Any opinion expressed in this email or any attached files are those of the individual and not necessarily those of Herefordshire Council. This email and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this email in error, you are advised that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please contact the sender immediately and destroy all copies of it.

 Save paper - please only print out this message if you really need to.

From: Mooney,James [<mailto:james.mooney@westmercia.pnn.police.uk>]

Sent: 09 December 2014 12:07

To: Licensing

Cc: Semper,Nick

Subject: Supersam, Eign Street, Hereford - new application]

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a premises licence for a venue known as **Supersam, 141-143 Eign Street, Hereford**. The application is for the licensable activity of the sale/supply of alcohol. It further seeks to specify the designated premises supervisor as Heman Jamal.

West Mercia Police do not object to this application.

The applicant has made submissions to promote the licensing objectives, part of these representations refer to Staffordshire Council - obviously an error by the applicant.

In order to promote the licensing objectives and taking into the account the previous history of the venue with regards to the sale of illegal alcohol and tobacco, the applicant has offered positive steps to prevent this activity taking place. These are acceptable to West Mercia Police (as long as the council references are changed to Herefordshire Council)

With regards to the previous history of the venue, in addition to the sale of illegal tobacco and alcohol, the previous operators were employing staff who had no right to stay in this country. Therefore in addition to the above offered by the applicant, West Mercia Police has the following submissions that are necessary, proportionate and enforceable with regards to promoting the licensing objectives.

1. A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:
 - (a) Details of all persons employed at the premises in any capacity.
 - (b) Date of birth of the person.
 - (c) The full name of the person.
 - (d) Their current address.
 - (e) Their national insurance number.
 - (f) Their passport details.
 - (g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
 - (h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

2. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately

3. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service

4. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading

Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

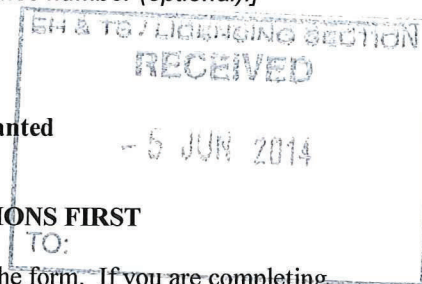
5. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated

These are the minimum conditions West Mercia Police would wish to see applied to any premises licence granted to this location.

Regards

Jim Mooney (on behalf of Insp 0795 Semper)
Licensing and Harm Reduction Coordinator
Policing Unit - Herefordshire
West Mercia Police
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmercia.pnn.police.uk
[In Herefordshire we protect people from harm](#)

[Insert name and address of relevant licensing authority and its reference number (optional).]



**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 I, HEMEN JAMAL

(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 PREMISES TO BE KNOWN AS: SUPERSAM, 141 – 143, EIGN STREET, HEREFORD, HEREFORDSHIRE.			
Post town	HEREFORD	Postcode	HR4 0AJ

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£6300

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname JAMAL			First names HEMEN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		141 – 143, EIGN STREET, HEREFORD, HEREFORDSHIRE.			
Post town	HEREFORD		Postcode	HR4 0AJ	
Daytime contact telephone number			07851 078902		
E-mail address (optional)		N/A			

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 N/A			First names N/A		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		N/A			
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 N/A
Address N/A
Registered number (where applicable) N/A
Description of applicant (for example, partnership, company, unincorporated association etc.) N/A
Telephone number (if any) N/A
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	4	0
7	2	0
1	4	

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 THIS THREE STOREY, SEMI – DETACHED, LOCK UP, PREMISES, ARE SITUATED IN THE MIXED RETAIL AND COMMERCIAL AREA ON THE OUTSKIRTS OF HEREFORD. DUE TO THIS SITE’S PROMINENT RETAIL LOCATION, THE APPLICANT, WHO IS THE NEW OWNER, AIMS TO ATTRACT CUSTOMERS FROM BOTH LOCAL AND ALSO PASSING TRADE.HE FEELS, AS THERE ARE SO MANY DIFFERENT NATIONALITIES IN THIS AREA, THAT THERE IS AN OPPORTUNITY TO COMPLIMENT HIS CUSTOMERS VARIOUS INTERNATIONAL FOOD CHOICES, WITH ALCOHOL AND ALSO WINES FROM AROUND THE WORLD, AS WELL AS THE NORMAL MAIN STREAM BRANDS. ALTHOUGH THERE IS LIMITED FRONTAGE PARKING, THERE IS SHOPPER’S PARKING AVAILABLE NEARBY.

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

N/A

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment 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			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live 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		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			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 (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"/>
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 playing of recorded music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
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>Please give a description of the type of entertainment you will be providing</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					

I

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			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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	22.00						
Tue	08.00	22.00						
Wed	08.00	22.00						
Thur	08.00	22.00				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)		
Fri	08.00	22.00						
Sat	08.00	22.00						
Sun	08.00	22.00						

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

Name ANGELIKA KLAUDIA NAGACZ	
Address 141 – 143, EIGN STREET, HEREFORD, HEREFORDSHIRE.	
Postcode	HR4 0AJ.
Personal licence number (if known) CURRENTLY BEING APPLIED FOR	
Issuing licensing authority (if known) WILL BE HEREFORDSHIRE COUNCIL – LICENSING SECTION	

K

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).
N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	22.00	
Tue	08.00	22.00	
Wed	08.00	22.00	
Thur	08.00	22.00	
Fri	08.00	22.00	
Sat	08.00	22.00	
Sun	08.00	22.00	

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

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

NOTHING BEYOND EXISTING HEALTH & SAFETY / FIRE SAFETY ETC REQUIREMENTS.

b) The prevention of crime and disorder

SEE ABOVE, THESE PREMISES, WILL HAVE INTERNAL AND EXTERNAL CCTV. THE CCTV WILL BE INSTALLED TO THE SPECIFICATIONS AND RECOMMENDATIONS OF THE POLICE. THE CCTV IMAGES, WILL BE RETAINED FOR THIRTY ONE DAYS AND DOWNLOADABLE ON REQUEST. CCTV WILL ALSO BE RECORDING AT ALL TIMES THE PREMISES IS OPEN FOR LICENSABLE ACTIVITY. CCTV TIMES AND DATES, ARE TO BE VISIBLE AND ACCURATE. THE PREMISES WILL ALSO BE FULLY ALARMED. THE DESIGNATED PREMISES SUPERVISOR WILL ENSURE THAT ANY STAFF INVOLVED IN THE SALE OF ALCOHOL WILL HAVE FULLY RECORDED AND DOCUMENTED TRAINING, INCLUDING SIX MONTHLY REFRESHER COURSES, IN RESPECT OF THEIR RESPONSIBILITIES UNDER THE LICENSING ACT 2003, THIS INCLUDES ANY CHANGES OF LEGISLATION AND ALSO SIMILAR TRAINING IN THE USAGE AND CHRONICLED STORAGE OF CCTV. ALL TRAINING RECORDS WILL BE RETAINED AND AVAILABLE ON SITE FOR INSPECTION AT ANY TIME.

c) Public safety

**SEE ABOVE,
ALSO, INTERNAL AND EXTERNAL CCTV ETC.
PREMISES WILL HAVE A FIRE ALARM AND THE FIRE FIGHTING EQUIPMENT, WILL BE COVERED BY A MAINTENANCE CONTRACT. BOTH EMERGENCY LIGHTING AND SMOKE DETECTORS ARE ALSO TO BE INSTALLED.**

d) The prevention of public nuisance

**SEE ABOVE, BOTH INTERNAL AND PARTICULARLY EXTERNAL CCTV, IS A PROVEN DETERRENT IN TERMS OF ANY ANTI - SOCIAL ACTIVITIES WITHIN THE IMMEDIATE VICINITY OF THE PREMISES.
THE APPLICANT, DESIGNATED PREMISES SUPERVISOR AND THEIR STAFF, WILL AT ALL TIMES BE VIGILANT IN RELATION TO ANY LITTER ISSUES.**

e) The protection of children from harm

**(SEE ABOVE), INTERNAL AND EXTERNAL CCTV ETC.
 LAYOUT OF SHOP GIVES CONSIDERATION TO THE PREVENTION OF CHILDREN'S ACCESS TO ALCOHOL AND ANY ALCOHOL DISPLAYED WILL NOT BE OBSTRUCTED FROM THE VIEW OF THE SALES ASSISTANTS. PREMISES WILL OPERATE A PROOF OF AGE SCHEME VIA ACCEPTABLE FORMS OF IDENTIFICATION AND INCORPORATING 'THE CHALLENGE 25' POLICY. A SALES REFUSAL AND INCIDENT BOOK WILL BE FULLY MAINTAINED AND AVAILABLE FOR INSPECTION AT ANY TIME. IT WILL ALSO BE SIGNED OFF WEEKLY BY THE DESIGNATED PREMISES SUPERVISOR.
 NON – ALCOHOLIC / SOFT DRINKS, CRISPS AND CONFECTIONERY WILL BE SITUATED AWAY FROM THE ALCOHOL DISPLAY AREA.**

Checklist:


Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	4 TH JUNE 2014
Capacity	AGENT FOR THE APPLICANT

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	N/A
Capacity	N/A

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) LICENSED TRADE LEGAL SERVICES LIMITED, REGENT HOUSE, BATH AVENUE, WOLVERHAMPTON, WEST MIDLANDS.			
Post town	WOLVERHAMPTON	Postcode	WV1 4EG
Telephone number (if any)	01902 810048		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) N/A			

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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

ANGELIKA KLAUDIA NAGACZ

[full name of prospective premises supervisor]

of

141 - 143, EIGN STREET,
HEREFORD,
HEREFORDSHIRE,
HR4 0AJ

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

A PREMISES LICENCE

[type of application]

by

HEMEN JAMAL

[name of applicant]

relating to a premises licence **CURRENTLY BEING APPLIED FOR**

[number of existing licence, if any]

for

PREMISES TO BE KNOWN AS:
SUPERSAM,
141 - 143, EIGN STREET,
HEREFORD,
HEREFORDSHIRE,
HR4 0AJ

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

HEMEN JAMAL

[name of applicant]

concerning the supply of alcohol at

PREMISES TO BE KNOWN AS:
SUPERSAM,
141 - 143, EIGN STREET,
HEREFORD,
HEREFORDSHIRE,
HR4 0AJ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

TBA

[insert personal licence number, if any]

Personal licence issuing authority

WILL BE, THE LICENSING SECTION, HEREFORDSHIRE COUNCIL,
BLUESCHOOL HOUSE, PO BOX 233, HEREFORD, HR1 2ZB.
TEL: 01432 261761

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

ANGELIKA KLAUDIA NAGACZ

Date

4TH JUNE 2014

From: Hough, David
Sent: 23 June 2014 15:44
To: Licensing
Cc: Spriggs, Fred; Mooney, James <james.mooney@westmercia.pnn.police.uk>
(james.mooney@westmercia.pnn.police.uk)
Subject: Premise Licence application for Supersam Eign Street Hereford

Herefordshire Council Trading Standards are in receipt of an application for a new premises licence for Supersam, 141-143 Eign Street, Hereford. This Service's primary aim is to protect children from harm which is linked with preventing crime and disorder.

The premise was previously licensed to sell alcohol. In 2012 a sale of alcohol was made to 2 children under the age of 18. On inspecting the alcohol it was found to be illegal in that the duty had not been paid. On making further investigations quantities of approximately 4000 cans of non-duty paid beer were found in the store at the back along with several bottles of vodka. Subsequently the premise licence was revoked by the licensing committee. The owner appealed to the magistrates court and the original decision was upheld.

In February 2014, seized a large consignment of illicit tobacco. This is subject to a criminal investigation at the present time therefore details and quantities cannot be disclosed.

Herefordshire Council Trading Standards believe there is a connection between the current applicant - and in particular the nominated DPS - with regards to the previous operators/licence holder.

In the light of this Herefordshire Council Trading Standards believe that by allowing this application the licensing objectives in respect to protecting children from harm and the prevention of crime and disorder would be undermined.

Therefore Herefordshire Council Trading Standards believe object to this application.

Regards

David Hough

David Hough
Service Manager
Trading Standards, Animal Health and Community Protection
Economy, Communities & Corporate Directorate
Herefordshire Council
Blueschool House
PO Box 233
Hereford
HR1 2ZB
Tel No. 01432 260011
Email: dhough@herefordshire.gov.uk
GCSX: dhough@herefordshire.gcsx.gov.uk

Council's Homepage www.herefordshire.gov.uk

This e-mail and any files transmitted with it are confidential and intended solely for the use of the addressee. This

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]

Sent: 20 June 2014 10:00

To: Licensing

Cc: Hough, David; 'ltls_westmids@hotmail.com'; Semper,Nick; Spriggs, Fred; Kent,Sean

Subject: Premises licence application - Supersam, 141-143 Eign Street, Hereford

APPENDIX F

Importance: High

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location to be known as **Supersam, 141-143 Eign Street, Hereford**. This application is for the licensable activities of the supply of alcohol.

The application also seeks to specify the designated premises supervisor as Angelika Klaudia Nagacz.

This premises was previously licensed, however this licence was revoked in 2012 as a result of issues concerning the supply of illegal (non duty paid) alcohol and tobacco. This matter went to a magistrates court appeal and the original decision to revoke the premises licence was upheld.

Since this period the premises has remained open as a convenience store. In February 2014, a warrant was executed at the premises by Herefordshire Council Trading Standards - this is still subject to a criminal investigation - however it can be disclosed that a significant amount of illegal tobacco was found and seized.

This application has been subject to close scrutiny and it is the view of West Mercia Police that there is connection between the current applicant - and in particular the nominated DPS - with regards to the previous operators/licence holder.

It is the view of West Mercia Police that to allow this application would undermine the licensing objectives - and that in particular of the prevention of crime and disorder. **Therefore West Mercia Police OBJECT to this application.**

If this matters progresses to a licensing regulatory hearing, West Mercia Police will provide further information to support their objection

Regards

Jim Mooney (on behalf of Inspector 0795 SEMPER)

Licensing and Harm Reduction Coordinator

Policing Unit - Herefordshire

West Mercia Police

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmercia.pnn.police.uk

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LICENSING ACT 2003
Part A - Premises Licence

Premises licence number - PR01525 (Grant of Premises Licence)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
European Fresh Foods 141-143 Eign Street Hereford Herefordshire HR4 0AJ
Telephone number:

Where the licence is time limited the dates:
Not applicable

Licensable activities authorised by the licence
SALE OF ALCOHOL (for consumption off the premises)

The times the licence authorises the carrying out of licensable activities
<u>Supply/Sale of Alcohol</u> Monday - Sunday 08:30-21:00

The opening hours of the premises
Monday - Sunday 08:30 - 21:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises



Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Bakhtyar Khedir Mohammed
Flat 89 Brockfield House
Hobgate Road
Heath Town
Wolverhampton
WV10 0PP**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Bakhtyar Khedir Mohammed
Flat 89 Brockfield House
Hobgate Road
Heath Town
Wolverhampton
WV10 0PP**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number - WN/040161
Issuing Authority - Wolverhampton**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Age verification

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). With retraining every 6 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand

Public Safety

Prevention of Public Nuisance

Regular checks will be made to ensure that the outside areas are kept litter free.

Protection of Children

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall



also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

As attached



LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number - PR01525 (Grant of Premises Licence)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description European Fresh Foods 141-143 Eign Street Hereford Herefordshire HR4 0AJ
Telephone number:

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence SALE OF ALCOHOL (for consumption off the premises)
--

The opening hours of the premises Monday - Sunday 08:30 - 21:00

Name, (registered) address of holder of premises licence Mr Bakhtyar Khedir Mohammed Flat 89 Brockfield House Hobgate Road Heath Town Wolverhampton WV10 0PP
--

Where the licence authorises supplies of alcohol whether these are on and / or off supplies Off the premises
--

Registered number of holder, for example company number, charity number (where applicable) Registered Number: / Not applicable
--

Name of designated premises supervisor where the premises licence authorises the supply of alcohol Mr Bakhtyar Khedir Mohammed
--

State whether access to the premises by children is restricted or prohibited The premises shall operate a Challenge 25 Policy

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Herefordshire Council Licensing Authority
PO Box 233
Hereford. HR1 2ZF



Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.

I, James Mooney [on behalf of] the chief officer of police for the West Mercia police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
**European Fresh Foods
141-143 Eign Street**

Post town: Hereford

Post code (if known): **HR4 0AJ**

2. Premises licence details:

Name of premises licence holder (if known): Bakhtyar Khedin Mohammed

Number of premises licence holder (if known): PRO1525

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The premises is a small convenience store near to Hereford city centre. It is a new store and has been open for less than 6 months. As such the premises has new conditions attached to it which are appropriate and necessary for the premises and are both achievable and enforceable.

At about 1830hrs on Saturday 21 July 2012, the premises were visited by officers from Herefordshire Council Trading Standards and West Mercia Police as part of a joint operation to 'test' the age verification procedures that were in place with regards to the sale of age restricted goods.

A sale of 4 cans of lager was made to two young people aged 14 and 15. No relevant checks were made at the time to establish their age.

Whilst at the premises, the nationality and employment status was made with regards to the member of staff who made the sale. On his own admission he stated he was an illegal immigrant. Using relevant powers, a search was made of the premises and 3 boxes of vodka and in the region of 3000 cans of lager were found. It is believed that all these items have not been subject to UK taxes and duty payment. The alcohol sold was the same brand as the items seized.

The employment of illegal immigrants and the sale of smuggled alcohol is viewed by the Secretary of State as particularly serious criminal activity.

It is the view of West Mercia Police that these matters are serious crime issues and therefore the premises are connected with serious criminal activity.

Signature of applicant 
Date: 23/7/12
Capacity: Police Licensing Officer

Contact details for matters concerning this application:
Address:
Hereford Police Station
Bath Street
Hereford. HR1 1HT

Telephone number(s): 01432 347102

Email: james.mooney@westmercia.pnn.police.uk

Notes for guidance:

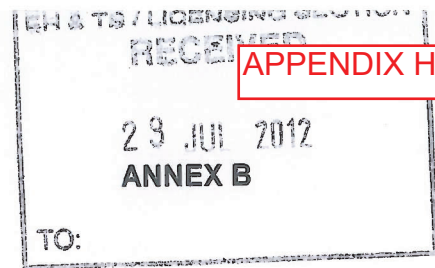
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



West Mercia Police
Herefordshire Territorial Policing Unit
Bath Street
Hereford

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:
European Fresh Foods
141-143 Eign Street
Hereford. HR4 0AJ

Premises licence number (if known): PRO1525

Name of premises supervisor (if known): Bakhtyar Khedir Mohammed

I am a Superintendent Charles HILL³ in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The premises are a small convenience store near to the main shopping area of Hereford. On Saturday 21 July 2012, a joint Herefordshire Trading Standards and West Mercia Police 'test purchase' operation took place. This premises were visited and a sale of alcohol was made to two young people aged 14 and 15.

Whilst at the premises the employment and nationality status of the staff member who made the sale was undertaken was checked. He stated he was an illegal immigrant and had no employment status to work in this country. He was detained by the police. Additionally a search was made of the premises and

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

3 boxes of vodka and in the region of 3000 cans of lager were seized as suspected of being non UK duty paid. This was further supported by invoices that had the delivery company details removed.

The sale of non duty paid goods and the employment of illegal immigrants is viewed by the Secretary of State as serious issues and as such the standard review process is not appropriate in these circumstances.

 23 7 / 12
.....
(Signed) (Date)

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

PREMISES	European Fresh Foods
PREMISES LICENCE HOLDER	Mr Bakhtyer Khedir Mohammed
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Full Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
DATE OF MEETING	14 August 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 and David Hough, representing Herefordshire Council Trading Standards.

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

REASONS

- 1 The Sub Committee considered carefully the options before it as set out in paragraph 1 of the Licensing Officer's report. It was particularly mindful of the guidance given in paragraph 11.21 of the October 2010 Home Office Amended Guidance issued under Section 182 of the Licensing Act which stated that:

'Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.'

It was therefore considered that the removal of the Designated Premises Supervisor would be an inadequate response.

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

- 2 With reference to paragraph 11.25 of the October 2010 Home Office Guidance the Sub-Committee saw no good reason based on the evidence put before it to defer its decision pending any proceedings ongoing or contemplated elsewhere upon which it doesn't comment.
- 3 The Committee bases its decision on the necessary Licensing Objectives adhered to in such matters, with particular reference being made to the prevention of crime and disorder and the protection of children from harm.
- 4 The Sub-Committee has heard from representatives of Herefordshire Council's Licensing Department and Trading Standards Department as well as West Mercia Police and is satisfied that necessary documentation has been served upon appropriate persons connected with the premises in a timely manner.
- 5 The Sub-Committee has heard evidence that serious crime has been committed on the premises as defined in Section 53A of the Licensing Act 2003 and has made its decision accordingly.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.