

**MINUTES of the meeting of Regulatory Sub Committee held at
Committee Room 1, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX on Tuesday 24 May 2016 at 10.00 am**

Present:

Councillors: DW Greenow, PJ McCaull and AR Round

14. ELECTION OF CHAIRMAN

Councillor DW Greenow was elected as Chairman for the Regulatory Sub-Committee hearing

15. DECLARATIONS OF INTEREST

There were no declarations of interest made.

16. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: '10 NEW STREET, LEDBURY, HR8 2DX' - LICENSING ACT 2003

The sub-committee considered a new premises license in respect of 10 New Street Ledbury.

The Chairman read out the guidance notes and asked all parties to introduce themselves.

The licence officer presented the report as per the agenda papers.

The Police confirmed that they had received no contact from the applicant since the application was submitted and confirmed that they oppose the application as to grant it would in their view undermine licensing objectives.

The subcommittee heard from a Herefordshire Council Trading Standards officer who confirmed that during an unannounced visit to the premises on the 11 April non duty paid tobacco and alcohol was found.

The view of the Police and the Trading Standards Officer was that the items found were both illegal/counterfeit and non-duty paid brands that were being stored at the premises with the intention to sell to the public which would be illegal.

The applicant, accompanied by her husband, stated that the items were not for public sale and were for private use only. The applicant explained to the committee that there was no intention to break any law and if anything unlawful was done it was unintentional.

The legal adviser to the committee confirmed with the applicant that she had understood all aspects of the hearing to which she confirmed she had.

The sub-committee retired to make its decision. On its return the legal advisor read out the decision.

It is the decision of the Regulatory Sub Committee that:

The subcommittee has carefully considered the evidence it has heard today from the applicant, her husband, the police and the trading standards officer.

The first thing the committee need to decide was whether- on the balance of probability – the goods found on the premises in April 2016 by the officer were there for onward sale or not?

On balance the committee prefers the evidence of the police and the trading standards officer.

Secondly the committee has had to decide what steps it should take to uphold the relevant licence objectives, in this case the prevention of crime and disorder.

The committee is clear that the public has the right to expect high standards of operation in premises applying for a new licence. On the evidence before the committee concerning the imported goods found on the premises it does not consider these standards have been met here.

Lastly the committee needs to make a proportionate decision in accordance with the options before it.

It does not appear that the imposition of conditions or the adjournment of these proceedings would make matters any clearer.

Accordingly it is the decision of the committee to reject the application.

The meeting ended at 11.15 am

CHAIRMAN