

# AGENDA

## Regulatory Sub Committee

Date: **Thursday 15 December 2016**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Caroline Marshall, Governance Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Sub Committee

## Membership

Councillor PA Andrews  
Councillor DW Greenow  
Councillor AR Round

**AGENDA**

	<b>Pages</b>
<p><b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.</p>	
<p><b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.</p>	
<p><b>3. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
<p><b>4. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.</p>	
<p><b>5. REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: SUPERSAM, 141-143 EIGN STREET, HEREFORD, HR4 0AJ - LICENSING ACT 2003</b>  To consider an application for review of a premises licence following the expedited/summary licence review in respect of 'Supersam, 141-143 Eign Street, Hereford, HR4 0AJ' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.</p>	11 - 22
<p><b>6. REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS - LICENSING ACT 2003</b>  To consider an application for review of a premises licence following the expedited/summary licence review in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.</p>	23 - 34
<p><b>7. EXCLUSION OF THE PUBLIC AND PRESS</b>  In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p><b>RECOMMENDATION:</b>            that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p><b>1</b>            Information relating to any individual.</p> <p><b>2</b>            Information which is likely to reveal the identity of an individual.</p>	

- |   |                |
|---|----------------|
| <p><b>8. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE H196 OUTSIDE STANDARD CONDITION 11.5</b></p> <p>To decide whether to licence a vehicle outside the standards vehicle licence conditions.</p> | <p>35 - 50</p> |
| <p><b>9. APPLICATION TO DEVIATE FROM STANDARD HACKNEY CARRIAGE VEHICLE LICENCE CONDITION 10.1(C)</b></p> <p>To decide whether to licence a vehicle outside the standards vehicle licence conditions.</p>                    | <p>51 - 58</p> |

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- **RECORDING OF THIS MEETING**
  - Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.
  - Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.
  - The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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There are bus stops directly outside the building. Hereford train station is a 15 minute walk, Hereford country bus station and Hereford city bus station are both a 5 minute walk from the Shirehall.

## **HEREFORDSHIRE COUNCIL**

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

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You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

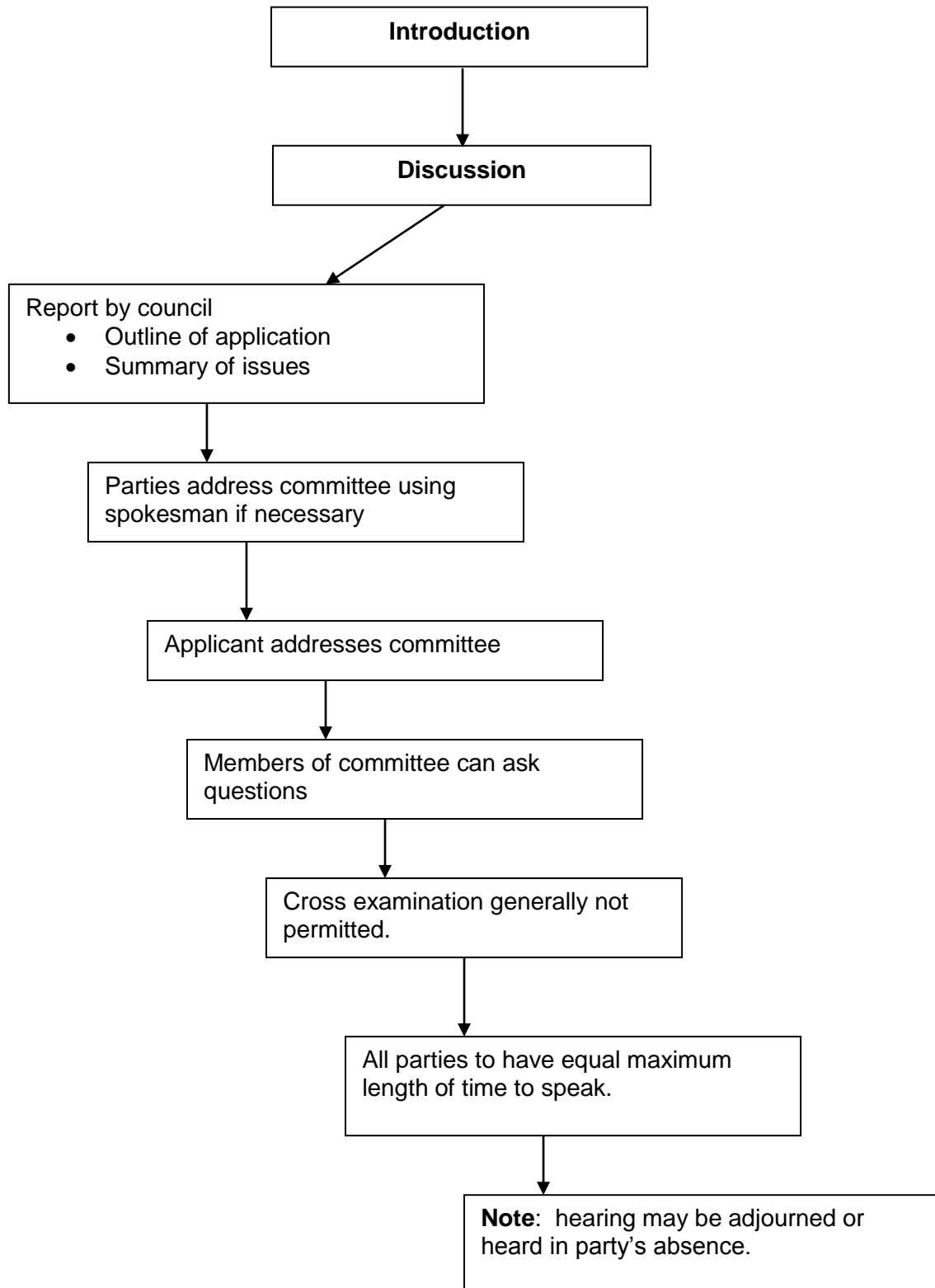
Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Regulatory sub-committee</b>
<b>Meeting date:</b>	<b>15 December 2016</b>
<b>Title of report:</b>	<b>Review of a premises licence following the expedited/summary licence review in respect of: Supersam, 141-143 Eign Street, Hereford, HR4 0AJ - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central

## Purpose

To consider an application for review of a premises licence following the expedited / summary licence review in respect of 'Supersam, 141-143 Eign Street, Hereford, HR4 0AJ' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.

## Recommendation

**THAT:**

**The sub-committee when determining this review must consider:**

- **what steps it considers necessary for the promotion of the licensing objectives; and**
- **whether the interim steps should be replaced with immediate effect by the decision of this committee or**
- **whether the interim steps should remain in place until the end of the period allowed for appeal, or until the appeal is disposed of.**

**They should give appropriate weight to:**

- **The steps that are appropriate to promote the licensing objectives**

- The guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006 (although archived there has been nothing issued to replace them),
- The police application made in respect of the expedited review together with the Superintendent's Certificate
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council licensing policy.

## Options

1. There are a number of options open to the committee:
  - a) the modification of the conditions of the premises licence;
  - b) the exclusion of a licensable activity from the scope of the licence;
  - c) the removal of the designated premises supervisor from the licence;
  - d) the suspension of the licence for a period not exceeding 3 months; and
  - e) the revocation of the licence
2. Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003 and the Violent Crime Reduction Act 2006

## Key Considerations

4. The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of the Violent Crime Reduction Act 2006. The powers allow:
  - The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
  - The licensing authority to respond by taking interim steps quickly, where appropriate for the promotion of the licensing objectives, pending a full review.

<b>Applicant</b>	Chief Constable – West Mercia Police Represented by: - Sergeant 3456 Duncan Reynolds	
<b>Premise Licence Holder</b>	Heman Jamal Supersam, 141-143 Eign Street, Hereford	
<b>Solicitor</b>	N/K	
<b>Type of application: Full Review following an Expedited Review</b>	Date received: 25/11/2016	End of 28 day period 22/12/2016

5. The application for an expedited review was received on 25 November 2016.
6. A hearing was held on 29 November 2016 within the required 48 hours.
7. At that hearing the committee heard from the police. The premises licence holder did not attend.

8. The committee decided to suspend the licence with immediate effect (appendix 1).
9. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.

#### Current licence

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

Sale by retail of alcohol	Monday - Sunday 08:00-00:00
Non standard timings:	None

#### The grounds for the review

11. The grounds for the review and the Superintendent's authority are contained in appendix 2.
12. No representation has been received in respect of the application.

### **Community Impact**

12. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

13. There are no equality or human rights issues in relation to the content of this report.

### **Financial implications**

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

### **Legal Implications**

15. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
16. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

### **Risk Management**

17. There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

### **Consultees**

18. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the licensing authority and details have been shown on the council website.

### **Appendices**

Appendix 1 - Decision notice

Appendix 2 - Application for expedited review & Superintendent's certificate

## **Background Papers**

Summary Review Guidance issued by the Home Office

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

<b>PREMISES</b>	Supersam, 141-143 Eign Street, Hereford, HR4 0AJ
<b>PREMISES LICENCE HOLDER</b>	Heman Jamal
<b>APPLICANT'S NAME</b>	Chief Constable – West Mercia Police
<b>APPLICATION TYPE</b>	Expedited/summary licence review
<b>PANEL MEMBERS</b>	Councillor DW Greenow (Chairman) Councillor PA Andrews Councillor AR Round
<b>DATE OF MEETING</b>	29 November 2016

Members of the Regulatory Sub Committee 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 Sergeant Duncan Reynolds and Jim Mooney representing West Mercia Police; and Mr Fred Spriggs, Licensing Officer Herefordshire Council. Those representations disclosed information about serious crime, namely evasion of duty and tax, being directly associated with the premises. Non duty paid cigarettes and alcohol were found on the premises as was information that led to the seizure of a large quantity of similar goods in a nearby location.

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), the Guidance Issued under Section 182 and the guidance issued under Section 53A of the Licensing Act 2003 as amended and the Council's Licensing Policy.

**DECISION**

Hearing of the regulatory subcommittee held on 29 November 2016 in respect of an expedited review of the licenced premises known as Supersam, 141-143 Eign Street, Hereford, HR4 0AJ.

Having heard a summary of the evidence and received a report from the Council's Licensing officer the committee has taken the interim step of suspending the licence for the above premises. This interim step was considered appropriate given the need to promote the licensing objectives and in particular the prevention of crime and disorder pending a full review. The interim steps will be reconsidered at the review hearing and may be extended until the outcome of any appeal. This interim step takes immediate effect.

This matter will be further considered at a review hearing on 15 December 2016 at 2.00 pm.

**HEREFORDSHIRE COUNCIL****REGULATORY-SUB COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)****ADDITIONAL INFORMATION**

- 1 The Committee is required to review the premises licence in full within 28 days of the application for an Expedited/Summary licence review made on 29 November 2016.
- 2 The review has been set for 15 December 2016.
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.
- 4 The act allows the premises licence holder to make representation against the interim steps by sending written notification to the Licensing Authority.
- 5 In such case the authority must hold a hearing within 48 hours to consider whether to maintain, remove or modify the interim steps.



West Mercia Police  
Herefordshire Territorial Policing Unit  
Bath Street  
Hereford. HR1 2HT

**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 disorder~~<sup>1</sup>.

*Premises*<sup>2</sup>:

Supersam  
141-143 Eign Street  
Hereford. HR4 0AJ

Premises licence number (if known): PR01661

Name of premises supervisor (if known): Heman JAMAL

I am a Superintendent Susan THOMAS<sup>3</sup> 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, because<sup>4</sup>:

This is viewed as serious criminal activity.  
It concerns the sale and storage of smuggled tobacco and alcohol  
It further concerns the employment of a person who unlawfully in the UK  
All other procedures have been considered and are deemed inappropriate

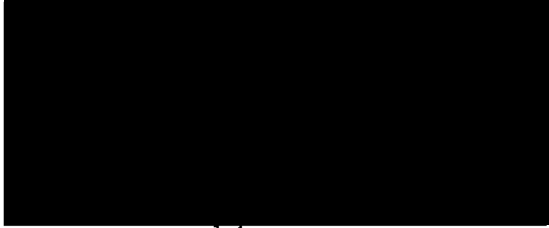
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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.



(Superintendent)

(Date)

22/11/16.

## 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 Police Sergeant 3456 Duncan Reynolds [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:

**Supersam  
141-143 Eign Street  
Hereford.**

Post town: Hereford

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

**2. Premises licence details:**

Name of premises licence holder (if known):  
Heman JAMAL

Number of premises licence holder (if known): PR01661

**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 which is licensed to sell alcohol. It is located close to the city centre and is in a prominent position.

This is a Police expedited review application.

This premises was subject to a Police licensing review in 2012 with regards to the sale, supply and storage of illegal alcohol and additionally the employment of a person with no right to be in the country and to be employed in the UK. This review resulted in the premises licence being revoked.

It is right to point out that current premises licence holder Heman JAMAL, was not the premises licence holder at the time of this review.

The premises has been re-licensed since early 2015. Initially the Police objected to the application as they had concerns regarding potential illegal criminal activity. However this objection was later withdrawn and the premises licence was granted by this committee with significant conditions.

On Tuesday 22 November 2016, a joint Police and Herefordshire Council Trading Standards operation took place under the name of Operation Trivium.

This operation was intelligence led and concerned information that various licensed shop premises were involved in the sale and supply of non duty paid alcohol and tobacco.

Supersam shop was of particular concern with significant information that non duty paid or illegal items were being sold at the shop and were being stored in the flat above the premises. Trading Standards obtained a magistrates court warrant for the premises which was executed on the 22 November 2016.

Prior to obtaining the warrant, Trading Standards undertook a number of undercover test purchase visit to the premises. They were sold tobacco items at a price significantly below what they would normally be sold. These items purchased are believed to have been illegally brought into the country for resale and have not been subject to UK custom and excise control or duty paid.

On executing the warrant at the premises, officers found a CCTV system linking the flat with the shop, and when the flat was searched a large quantity of vodka was found along with a large quantity of tobacco in bin bags and a holdall.

Paper work was also found in the flat linking it to the shop. In addition two receipts were found for the hire of two shipping container units near to Mortimer Road, Hereford.

As a consequence, a further warrant was obtained by Trading Standards to search these units. The containers when searched were found to contain a large amount of foreign brand tobacco products - in the region of 240,000 cigarettes, the vast majority of which were hidden in boxes containing BBQ units.

The premises licence holder for this shop is Heman JAMAL, he is also the designated premises supervisor. He was not present when both warrants were executed. He has however since been arrested, with others found at the shop, and is on police bail for conspiracy and other offences.

From initial enquiries, the view of both the Police and Trading Standards is that there is a clear link between Supersam Convenience shop, the items found in the flat above the shop and the shipping containers linking them all to the premises licence holder JAMAL.

Additionally there is a similar link indicating criminal activity at a shop called Mila Convenience shop, Belmont Road, Hereford, which is licensed in the name of JAMAL.

The Secretary of State has indicated that certain criminal activity has to be viewed and treated as particularly serious. This includes the sale or storage of smuggled tobacco and alcohol.

These issues are viewed as particularly serious and does give rise to suspect that the shop - and therefore the licensed premises and the premises licence holder are involved in serious criminal activity. The sale of these items does result in substantial financial gain.

As you know, only the Police can launch an expedited review based on serious crime or serious disorder. The authority to launch this review is in the certificate signed by Police Superintendent Susan THOMAS.

The sale or storage of illegal tobacco and alcohol is viewed as serious crime and can attract a custodial prison sentence of 3 years or more on conviction.

The police view - and that of Trading Standards - is that clearly the premises licence holder has no regard to the promotion of the licensing objectives and upholding the law.

The view of the police is that in order to promote the licensing objectives as an interim step you are requested to suspend the premises licence for Supersam Convenience shop pending a full review hearing.

Date: 24 November 2016

Capacity: Police Sergeant 3456 Duncan REYNOLDS

**Contact details for matters concerning this application:**

Address:

**Hereford Police Station  
Bath Street  
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: [licensing.hereford@westmercia.pnn.police.uk](mailto:licensing.hereford@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.



<b>Meeting:</b>	<b>Regulatory sub-committee</b>
<b>Meeting date:</b>	<b>15 December 2016</b>
<b>Title of report:</b>	<b>Review of a premises licence following the expedited/summary licence review in respect of: Mila, 102-104 Belmont Road, Hereford, HR2 7JS - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central

## Purpose

To consider an application for review of a premises licence following the expedited/summary licence review in respect of 'Mila, 102-104 Belmont Road, Hereford, HR2 7JS' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.

## Recommendation

**THAT:**

**The sub-committee when determining this review must consider:**

- **what steps it considers necessary for the promotion of the licensing objectives; and**
- **whether the interim steps should be replaced with immediate effect by the decision of this committee; or**
- **whether the interim steps should remain in place until the end of the period allowed for appeal, or until the appeal is disposed of.**

**They should give appropriate weight to:**

- **The steps that are appropriate to promote the licensing objectives**

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Further information on the subject of this report is available from  
Fred Spriggs – licensing officer, tel no. 01432 383542

- The guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006 (although archived there has been nothing issued to replace them),
- The police application made in respect of the expedited review together with the Superintendent's Certificate
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council licensing policy.

## Options

1. There are a number of options open to the committee:
  - a) the modification of the conditions of the premises licence;
  - b) the exclusion of a licensable activity from the scope of the licence;
  - c) the removal of the designated premises supervisor from the licence;
  - d) the suspension of the licence for a period not exceeding 3 months; and
  - e) the revocation of the licence
2. Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003 and the Violent Crime Reduction Act 2006.

## Key Considerations

4. The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of the Violent Crime Reduction Act 2006. The powers allow:
  - The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
  - The licensing authority to respond by taking interim steps quickly, where appropriate for the promotion of the licensing objectives, pending a full review.

<b>Applicant</b>	Chief Constable – West Mercia Police Represented by Sergeant 3456 Duncan Reynolds	
<b>Premise Licence Holder</b>	Heman Jamal Supersam, 141-143 Eign Street, Hereford	
<b>Solicitor</b>	N/K	
<b>Type of application: Full Review following an Expedited Review</b>	Date received: 25/11/2016	End of 28 day period 22/12/2016

5. The application for an expedited review was received on 25 November 2016.
6. A hearing was held on 29 November 2016 within the required 48 hours.
7. At that hearing the committee heard from the police. The premises licence holder did



not attend.

8. The committee decided to suspend the licence with immediate effect (appendix 1).
9. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.

#### Current licence

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

Sale by retail of alcohol	Monday - Sunday 08:00-00:00
Non standard timings:	None

#### The grounds for the review

11. The grounds for the review and the Superintendent's authority are contained in appendix 2.
12. No representation has been received in respect of the application.

### **Community Impact**

12. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

13. There are no equality or human rights issues in relation to the content of this report.

### **Financial implications**

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

### **Legal Implications**

15. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
16. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

### **Risk Management**

17. There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

### **Consultees**

18. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the licensing authority and details have been shown on the council website.

### **Appendices**

Appendix 1 - Decision notice

Appendix 2 - Application for expedited review and Superintendent's certificate

## **Background Papers**

Summary Review Guidance issued by the Home Office

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

<b>PREMISES</b>	Mila Convenience Store, 102-104 Belmont Road, Hereford, HR2 7JS
<b>PREMISES LICENCE HOLDER</b>	Heman Jamal
<b>APPLICANT'S NAME</b>	Chief Constable – West Mercia Police
<b>APPLICATION TYPE</b>	Expedited/summary licence review
<b>PANEL MEMBERS</b>	Councillor DW Greenow (Chairman) Councillor PA Andrews Councillor AR Round
<b>DATE OF MEETING</b>	29 November 2016

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 Sergeant Duncan Reynolds and Jim Mooney representing West Mercia Police; and Mr Fred Spriggs, Licensing Officer Herefordshire Council. Those representations disclosed information about serious crime, namely evasion of duty and tax, being directly associated with the premises as well as the employment of illegal workers. Non duty paid cigarettes and alcohol were found on the premises as were the keys to a nearby location from which there was a seizure of a large quantity of similar goods.

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), the Guidance Issued under Section 182 and the guidance issued under Section 53A of the Licensing Act 2003 as amended and the Council's Licensing Policy.

**DECISION**

Hearing of the regulatory subcommittee held on 29 November 2016 in respect of an expedited review of the licenced premises known as Mila Convenience Store, 102-104 Belmont Road, Hereford, HR2 7JS.

Having heard a summary of the evidence and received a report from the Council's Licensing officer the committee has taken the interim step of suspending the licence for the above premises. This interim step was considered appropriate given the need to promote the licensing objectives and in particular the prevention of crime and disorder pending a full review. The interim steps will be reconsidered at the review hearing and may be extended until the outcome of any appeal. This interim step takes immediate effect.

This matter will be further considered at a review hearing on 15 December 2016 at 2.00 pm.

**HEREFORDSHIRE COUNCIL****REGULATORY-SUB COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)****ADDITIONAL INFORMATION**

- 1 The Committee is required to review the premises licence in full within 28 days of the application for an Expedited/Summary licence review made on 29 November 2016.
- 2 The review has been set for 15 December 2016.
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.
- 4 The act allows the premises licence holder to make representation against the interim steps by sending written notification to the Licensing Authority.
- 5 In such case the authority must hold a hearing within 48 hours to consider whether to maintain, remove or modify the interim steps.

West Mercia Police  
Herefordshire Territorial Policing Unit  
Bath Street  
Hereford. HR1 2HT

**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 disorder~~<sup>1</sup>.

*Premises*<sup>2</sup>:

Mila Convenience Store  
102 -104 Belmont Road  
Hereford. HR2 7JS

Premises licence number (if known): PR01692

Name of premises supervisor (if known): Heman JAMAL

I am a Superintendent Susan THOMAS <sup>3</sup> 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, because<sup>4</sup>:

This is viewed as serious criminal activity.  
It concerns the sale and storage of smuggled tobacco  
It further concerns the employment of a person who unlawfully in the UK  
All other procedures have been considered and are deemed inappropriate

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.



Superintendent)

(Date)

22/11/16

## 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 Police Sergeant 3456 Duncan Reynolds [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:

**Mila Convenience Store  
102 -104 Belmont Road**

Post town: Hereford

Post code (if known): **HR2 7JS**

**2. Premises licence details:**

Name of premises licence holder (if known):  
Heman JAMAL

Number of premises licence holder (if known): PR01692

**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 which is licensed to sell alcohol. It is located on a main traffic route into Hereford city centre and is in a prominent position.

This is a police expedited review application.

The premises has been licensed since early 2015.

On Tuesday 22 November 2016, a joint Police and Herefordshire Council Trading Standards operation took place under the name of Operation Trivium. This operation was intelligence led and concerned information that various licensed shop premises were involved in the sale and supply of non duty paid alcohol and tobacco and similar items which are contraband.

Mila shop was of particular concern with significant information that non duty paid or illegal items were being sold at the shop and were being stored in the premises.

On entering officers found 2 males working in the shop. One of the males on seeing the officers grabbed a holdall and ran from them out of the back of the premises. Officers gave chase and caught the male a short distance away. The holdall was found nearby and was found to contain bin liners containing packets of cigarettes and rolling tobacco. When searched a quantity of illegal or smuggled tobacco was found behind the shop counter. Additionally the flat above the shop had a sophisticated CCTV system that linked into the shop, showing all exits and entrances.

The two men found at the shop have been arrested for immigration offences and offences connected to trade marking and counterfeit goods. These two males remain in custody for processing by the UK Border and Immigration Agency.

The premises licence holder for this shop is Heman JAMAL, he is also the designated premises supervisor. He was not present when the Police attended the shop.

Outside the shop was a van which is registered in the name of JAMAL and a women believed to be his wife, it is also insured to both of them as named drivers. The keys for the vehicle were found in the shop, on the key ring were additional keys which were later found to be for two shipping containers which are located near to Mortimer Road, Hereford. These containers have been searched and both were found to contain in excess of 240,000 cigarettes and significant packets of rolling tobacco. The vast majority of these items were



hidden inside boxes which contained portable BBQ's. These items are foreign brands and are believed to be smuggled goods and/or illegally manufactured items which present a serious threat to the health of those who use them.

The view of the Police and Trading Standards is that there is a clear link between the males detained, the items found at the shop and those found in the shipping containers and the premises licence holder JAMAL.

There is an additional link of a similar nature concerning another licensed shop called Supersam Convenience shop, Eign Street, Hereford. This premises licence holder is Heman JAMAL.

Overall this indicates a serious criminal conspiracy to avoid tax and defraud the HMRC.

Trading Standards are leading the investigation into the items seized.

The Secretary of State has indicated that certain criminal activity has to be viewed and treated as particularly serious. This includes the sale or storage of smuggled tobacco and alcohol, and knowingly employing an individual who has no right to be in the UK or no right to be employed in the UK.

These issues are viewed as particularly serious and does give rise to suspect that the shop - and therefore the licensed premises and the premises licence holder are involved in serious criminal activity. The sale of these items does result in substantial financial gain.

As you know, only the Police can launch an expedited review based on serious crime or serious disorder. The authority to make this application has been signed by Police Superintendent Susan THOMAS.

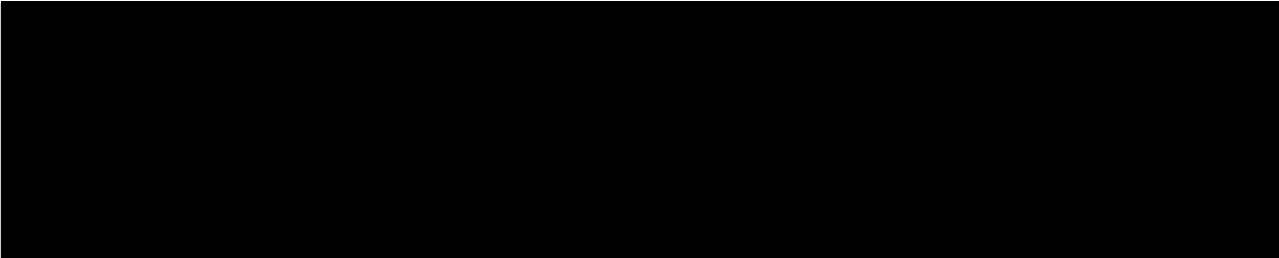
Both these matters are viewed as serious crime and can attract a custodial prison sentence of 3 years or more on conviction plus in some cases an unlimited fine.

This now a live on-going criminal investigation.

Heman JAMAL has also been arrested and is on bail whilst further enquiries are made.

The police view - and that of Trading Standards - is that clearly the premises licence holder has no regard to the promotion of the licensing objectives and upholding the law.

The view of the Police is that in order to promote the licensing objectives, as an interim step pending a full licensing hearing, you suspend the premises licence for Mila Convenience Store.



Date: 24 November 2016

Capacity: Police Sergeant 3456 Duncan REYNOLDS

**Contact details for matters concerning this application:**

Address:

**Hereford Police Station  
Bath Street  
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: [licensing.hereford@westmercia.pnn.police.uk](mailto:licensing.hereford@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.

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