

Agenda

Licensing sub-committee

Date: **Wednesday 30 May 2018**

Time: **10.00 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:

Caroline Marshall, Governance Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

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 in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor DW Greenow
Councillor BA Baker
Councillor J Hardwick

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the agenda.</p>	
4.	<p>REVIEW OF A PREMISE LICENCE IN RESPECT OF SWEET CHILLI, 16-17 BRIDGE STREET, HEREFORD. HR4 9DF - LICENSING ACT 2003.</p> <p>To consider an application for a review of a premise licence in respect of Sweet Chilli, 16-17 Bridge Street, Hereford. HR4 9DF called by Herefordshire Council as the Licensing Authority.</p>	11 - 50
5.	<p>REVIEW OF A PREMISE LICENCE IN RESPECT OF RUBY CHINESE TAKEAWAY, 23 UNION STREET, HEREFORD. HR1 2BT- LICENSING ACT 2003.</p> <p>To consider an application for a review of a premise licence in respect of Ruby Chinese Takeaway, 23 Union Street, Hereford. HR1 2BT called by Police Sergeant 3456 Reynolds of West Mercia Police</p>	51 - 66
6.	<p>REVIEW OF A PREMISE LICENCE IN RESPECT OF 9+9 CANTONESE TAKEAWAY (ALSO KNOWN AS SPICE MINSTER), 102 WIDEMARSH STREET, HEREFORD. HR4 9HG- LICENSING ACT 2003.</p> <p>To consider an application for a review of a premise licence in respect of 9+9 Cantonese Takeaway (also known as Spice Minster), 102 Widemarsh Street, Hereford. HR4 9HG called by Police Sergeant 3456 Reynolds of West Mercia Police.</p>	67 - 92

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- 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.
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- 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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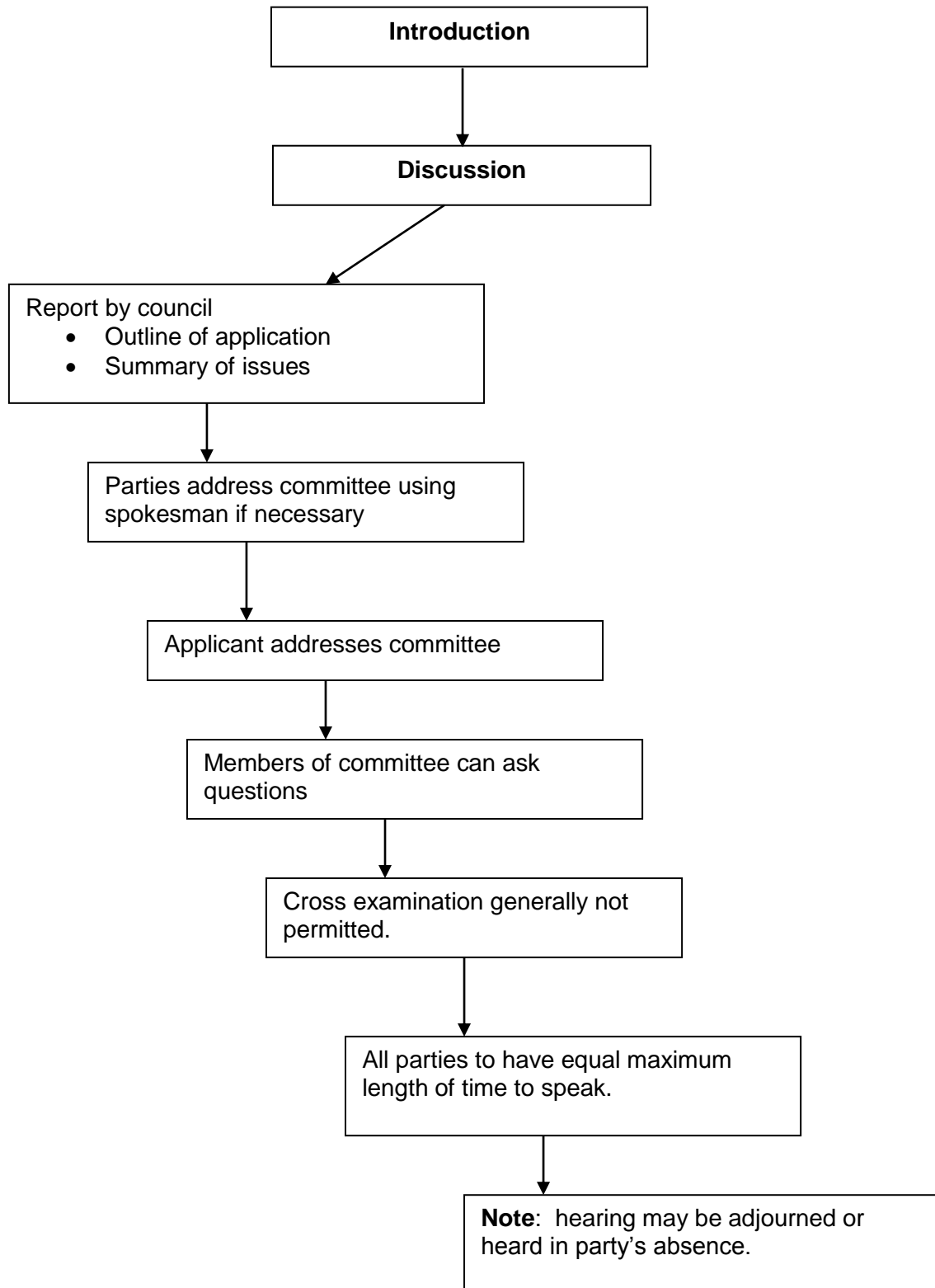
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Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	Wednesday 30 May 2018
Title of report:	Review of a premise licence in respect of Sweet Chilli, 16-17 Bridge Street, Hereford. HR4 9DF – Licensing Act 2003
Report by:	Licensing technical officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for a review of a premise licence in respect of Sweet Chilli, 16-17 Bridge Street, Hereford. HR4 9DF called by Herefordshire Council as the Licensing Authority.

Recommendation

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 Statement of Licensing Policy 2015 - 2020.**

Options

1. There are a number of option open to the committee in relation to the review:
 - The modification of the conditions of the premises licence;
 - The exclusion of any licensable activities from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence for a period not exceeding 3 months; and
 - The revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively it is open to the licensing authority to determine that no action is required to promote the licensing objectives or issue an informal warning in writing to the licence holder and/or to recommend improvement within a specified period of time.

Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - Are made by the premises licence holder, a responsible authority or an interested party
6. The details of the application are:

Applicant	Herefordshire Council as the Licensing Authority Fred Spriggs – Licensing Officer	
Solicitor	Not applicable	
Type of application: Review	Date received: 6 April 2018	28 Days consultation ended 4 May 2018

7. The application for the review is attached (appendix 1)
8. Copies of the application were sent to the premise licence holder and responsible authorities.

9. In brief the licensing authority's grounds for the review are:

The premises continues to operate without a Designated Premises Supervisor and despite intervention from the Licensing Authority and Police continued to do so. Further additional supporting information has been provided by the licensing authority contained within their application at page 4 and 5.

Premises History

10. The premises was first licensed in September 2009 as an Indian Restaurant called Cinnamon Club for late night refreshment and sale/supply of alcohol
11. An application was received to transfer the licence and vary the designated supervisor at the premises into the name of Abtal Hussain in August 2013. This was granted on 21 August 2013 with a new premise name of Sweet Chilli.
12. On 14 July 2017 a joint enforcement operation involving West Mercia Police was undertaken.
13. One of the workers at the restaurant was found to be an illegal immigrant and was detained.
14. As a result the police launched a review on 21 July 2017 (Appendix 2)
15. A review hearing was heard on 11 September 2017 and the decision of the licensing sub-committee was to impose an added condition to the licence.
16. The condition reads: The premises licence holder shall engage the services of an immigration advisor, as agreed in writing with the licensing authority, who shall undertake a review of all existing employees at the premises to check entitlement to live and work in the UK and thereafter independently verify prospective employees' right to live and work in the UK prior to the employee being engaged to work at the premises.

Current Licence

17. The current licence (appendix 3) authorises the following licensable activities during the hours shown:

Late Night Refreshment:
Monday to Sunday: 23:00-01:00

Sale by retail of alcohol:
Monday to Sunday: 12:00-01:00

Non- Standard Timings: None, Seasonal variations: None

18. The licence is also subject to a number of conditions.

Circumstances leading to the review

19. The Licensing Authority were made aware on 12 January 2018 that the premises known as Sweet Chilli had changed hands and that Mr Abtal Hussain ceased to be the licence holder.

20. As a result the Licensing Authority contacted the premises by email advising of the need to transfer.
21. West Mercia police were made aware that the premises no longer had a designated premises supervisor.
22. As a result the police visited the premises and gave a gentleman known as Mr Ahmed the necessary papers for transfer.
23. The police went back to the premises at 1845 hrs on 18 February and served a Section 19 Closure Notice on Mr Ahmed as the premises were open and serving alcohol (appendix 4)
24. The Licensing Authority contacted Mr Ahmed and advised him that he needed to submit an application for transfer and change of DPS.
25. He informed us on 22 February that he had done this.
26. Upon checking it was found that he had submitted an application for a personal licence. We were unable to accept this application as he does not live in Herefordshire.
27. On 24 March West Mercia Police again attend the premises where they found that alcohol was still being sold. As a result they served a further Section 19 Closure Notice on Mr Ahmed (appendix 5)
28. As a result of the second closure notice, on 28 March the Licensing Authority emailed Mr Ahmed to advise him that we on 4 separate occasions we had sent him the forms to complete in respect of the transfer and change of DPS and still no application had been received. He was advised that if no application to transfer and change of DPS was received by 4th April the Licensing Authority would launch a review of the licence.
29. On 28 March the Licensing Authority received an application for the grant of a new premises licence from Mr Ahmed. The application was rejected as it failed to comply with legislation. The applicant and West Mercia Police were advised that the application was rejected.
30. West Mercia Police made a further visit to the premises on 30 March at 2015 hrs and the premises appeared to be selling alcohol. Alcohol menus were displayed and two glasses containing what is believed to be wine was on the tables. Male was advised to stop selling alcohol immediately.
31. On 4 April the Licensing Authority rejected a further application to grant a premise licence from Mr Ahmed as it still failed to comply with legislation. Mr Ahmed was again notified by email and advised of the steps needed to complete the forms correctly.
32. In total the applicant (Mr Ahmed) has been given help and advice on 8 (eight) occasions.
33. As a result, this review was launched.

Summary of Representations

34. Two (2) representations have been received from the responsible authorities from West Mercia Police (Appendix 6) and Trading Standards (Appendix 7).

35. No other representations have been received.

Community Impact

36. Any decision is unlikely to have any impact on the local community.

Equality duty

37. There are no equality issues in relation to the content of this report.
38. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
39. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

41. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
42. 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.
43. 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.

44. 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.

Right of Appeal

45. Schedule 5 gives a right of appeal which states:

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

Risk Management

46. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

47. All responsible authorities and members of the public living within Herefordshire.

Appendices

- Appendix 1 Review Application Form
- Appendix 2 Previous Review Application submitted by West Mercia Police
- Appendix 3 Current Premise Licence
- Appendix 4 Section 19 served by West Mercia Police on 18.02.18
- Appendix 5 Section 19 served by West Mercia Police on 24.03.18
- Appendix 6 West Mercia Police Representation
- Appendix 7 Trading Standards Representation

Background Papers

None.

**Application for the review of a premises licence or club premises certificate
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 Fred Spriggs

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Sweet Chilli 16/17 Bridge Street	
Post town Hereford	Post code (if known) HR4 9DF

Name of premises licence holder or club holding club premises certificate (if known) Abtal Hussain, Sweet Chilli (Hereford) Ltd, 16-17 Bridge Street, Hereford Herefordshire, HR4 9DF

Number of premises licence or club premises certificate (if known) PRO1360

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Fred Spriggs
Licensing Section,
Herefordshire Council
8 St Owen Street,
Hereford.
HR1 2PJ**

Telephone number (if any)

01432 383542

E-mail address (optional)

licensing@herefordhire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises continues to operate without a Designated Premises Supervisor and despite intervention from the Licensing Authority and Police continues to do so.

Please provide as much information as possible to support the application
(please read guidance note 2)

The Licensing Authority were made aware on 12th January 2018 that the premises of Sweet Chilli had changed hands and that Mr Abtal Hussain ceased to be the licence holder.

As a result the Licensing Authority contacted the premises by email advising of the need to transfer.

An email from a Johirul Ahmed was received on 15th January who advised us that he wanted to transfer the licence. The Licensing Authority sent him the necessary forms to enable him to transfer the licence.

West Mercia police were made aware that the premises no longer had a designated premises supervisor.

As a result the police visited the premises on and gave Mr Ahmed the necessary papers for transfer.

The police went back to the premises at 1845 hrs on 18th February and served a Section 19 Closure Notice on Mr Ahmed as the premises were open and serving alcohol.

The Licensing Authority contacted Mr Ahmed and advised him that he needed to submit application for transfer and change of DPS.

He informed us on 22nd February that he had done this.

Upon checking we found that he had submitted an application for a personal licence. We were unable to accept this application as he does not live in Herefordshire.

We advised him that we had not received the forms, although he insisted that he had submitted them. We advised him that we still did not have them and that he needed to submit them immediately.

On 24th March West Mercia Police again attend the premises where they found that alcohol was still being sold. As a result they served a further Section 19 Closure Notice on Mr Ahmed.

As a result on 28th March the Licensing Authority emailed Mr Ahmed to advise him that we on 4 separate occasions we had sent him the forms to complete in respect of the transfer and change of DPS and still no application had been received. He was advised that if no application to transfer and change of DPS was received by 4th April the Licensing Authority would launch a review of the licence.

On 28th March the Licensing Authority received an application for the grant of a new premises licence from Mr Ahmed. The application was rejected as it failed to comply with legislation. The applicant was notified by email and advised of the steps needed to complete the forms correctly.

West Mercia Police made a further visit to the premises on 30th March at 20:15 and the premises appeared to be selling alcohol. Alcohol menus were displayed and two glasses containing what is believed to be wine was on the tables. Male was advised to stop selling alcohol immediately.

On 4th April the Licensing Authority rejected a further application to grant a premise

licence from Mr Ahmed as it still failed to comply with legislation. Mr Ahmed was again notified by email and advised of the steps needed to complete the forms correctly.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date 6th April 2018
.....

Capacity Licensing Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Application for the review of a premises licence or club premises certificate 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 Police Sergeant 3456 Duncan REYNOLDS

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Sweet Chilli 16/17 Bridge Street,	
Post town Hereford	Post code (if known) HR4 9DT
Name of premises licence holder or club holding club premises certificate (if known) Abtal HUSSAIN	
Number of premises licence or club premises certificate (if known) PR01360	

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) X
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Harm Reduction Dept., Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x

Please state the ground(s) for review (please read guidance note 1)

Sweet Chilli restaurant was subject to a joint enforcement agency operation on Friday 14 July 2017.

During this operation one male found working in the premises was detained as he had no legal entitlement to remain in the UK.

As a consequence the view is that the premises licence holder has undermined the licensing objective of the prevention of crime and disorder.

Please provide as much information as possible to support the application
(please read guidance note 2)

Sweet Chilli is an Indian restaurant licensed to supply/sell alcohol and to provide late night refreshment.

As part of a joint enforcement agency operation, officers from the UK Immigration Agency and the police attended the premises at about 20:00hrs on Friday 14 July 2017.

This visit was intelligence lead based on information that there were individuals working at the premises that were illegal immigrants with either no right to remain in the country or had entered the country illegally.

On attendance, the premises were open. One male from Bangladesh was found working in the premises. This male was found to have over-stayed his permission to remain in the country and therefore was arrested as an illegal immigrant.

The employment of illegal immigrants is defined as serious in the guidance issued under Section 182 of the Licensing Act 2003. The guidance indicates that serious consideration should be taken to revoke a premises licence even if it was the first occasion.

In addition all employers are required to undertake checks on individuals employment and status entitlement prior to employment as defined under the Immigration Act 2010 and additionally similar checks have to be made as per the Licensing Act 2003, since May 2017.

The view of West Mercia Police is that the premises licence holder has failed to promote the licensing objectives by undertaking due diligence checks to prevent this matter happening. Therefore the licensing objective of the prevention of crime and disorder has been undermined.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 21 July 2017

Capacity Police Sergeant 3456 – Hereford Police.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**LICENSING ACT 2003
Part A - Premises Licence**

Premises licence number PR01360 (Transfer & Vary DPS on Premise Licence)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Sweet Chilli 16/17 Bridge Street	
Post town Hereford	Postcode HR4 9DF
Telephone number 07903 566708	

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

Licensable activities authorised by the licence 1. Provison of Late Night Refreshment (indoors only) 2. Sale by retail of alcohol (For consumption on and off the premises)

The times the licence authorises the carrying out of licensable activities Late Night Refreshment: Monday to Sunday: 23:00-01:00 Sale by retail of alcohol: Monday to Sunday: 12:00-01:00 Non- Standard Timings: None Seasonal variations: None

The opening hours of the premises Monday to Sunday: 12:00-01:00 Seasonal variations: None

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies For consumption on and off the premises
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Part 2

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

**Abtal Hussain
Sweet Chilli (Hereford) Ltd
16-17 Bridge Street
Hereford
Herefordshire
HR4 9DF**

sweetchilli-hereford@live.com

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

08563284

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

**Abtal Hussain
211 Deakins Road
Yardley
Birmingham
B25 8EA**

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: [REDACTED]

Issuing authority: Birmingham City Council

Annex 1 - Mandatory conditions

(1) 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.

Annex 2 - Conditions consistent with the operating Schedule

Licensing objectives

General: None

Prevention of Crime:

CCTV must be installed at the premises which meets the requirements of the Police and Licensing Authority.

Public Safety:

External CCTV camera must be installed

Open bottles or containers must not be taken off the premises

The premises must be adequately ventilated whilst open to the general public.

All parts of the premises must be provided with adequate illumination whilst the premises are being used for any licensable activity. All routes of escape and all parts of the premises to which the public has access must be provided with adequate and assured lighting.

Prevention of Public Nuisance:

The licensee must ensure that noise and vibration does not emanate from the premises so as to cause a nuisance.

Notices must be displayed requesting customers to leave quietly.

Protection of Children

Children cannot buy alcohol unless they can prove they are over 21 years of age.

Staff must ensure sight of evidence of age from any persons appearing to those engaged in selling or supplying alcohol to anyone under the age of eighteen and who is attempting to buy alcohol.

Staff must be trained and aware of the Proof of Age Regulations and Proof of Age Cards and/or Citizens Cards.

No person under the age of eighteen years old shall be allowed to serve alcohol within the premises without written permission of the Council.

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 PR01360 (Transfer & Vary DPS on Premise Licence)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Sweet Chilli 16/17 Bridge Street	
Post town Hereford	Post code HR4 9DF
Telephone number 07903 566708	

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

Licensable activities authorised by the licence 1. Provison of Late Night Refreshment (indoors only) 2. Sale by retail of alcohol (For consumption on and off the premises)

The times the licence authorises the carrying out of licensable activities Late Night Refreshment: Monday to Sunday: 23:00-01:00 Sale by retail of alcohol: Monday to Sunday: 12:00-01:00 Non- Standard Timings: None Seasonal variations: None

The opening hours of the premises Monday to Sunday: 12:00-01:00 Seasonal variations: None

Name, (registered) address of holder of premises licence Abtal Hussain Sweet Chilli (Hereford) Ltd 16-17 Bridge Street Hereford Herefordshire HR4 9DF

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

For consumption on and off the premises

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

08563284

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Abtal Hussain

State whether access to the premises by children is restricted or prohibited

Restricted

Licensing Objectives:

That 'Challenge 21' be made a condition for all age restricted sales on the premises, Staff must ensure sight of evidence of age from any persons appearing to those engaged in selling or supplying alcohol to anyone under the age of eighteen and who is attempting to buy alcohol.

Staff must be trained and aware of the Proof of Age Regulations and Proof of Age Cards and/or Citizens Cards.

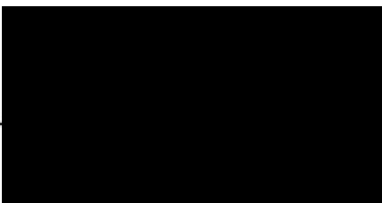
No person under the age of 18 years old shall be allowed to serve alcohol within the premises without the written permission of the Council.

**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice:

Police Force: West Mercia Police

Person making the Notice:

Signature:  Rank & No. PC2347

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

**Breach of licence conditions –
(State briefly)**

Both the Police and the Licensing Authority are aware that the premises has recently changed ownership and that the named designated premises supervisor is no longer involved in the business. As at this time no applications have been made to transfer the premises licence and to vary the designated premises supervisor.

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Compliance with all aspects of the Licensing Act 2013 by making applications to transfer the premises licence and vary the designated premises supervisor.

The person on whom the closure notice has been served

Name Johirul Ahmed (sam)
Date 18.02.2018 18.45

**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice: 1925 24/03/18

Police Force: West Mercia Police

Person making the Notice: DC GORLAND

Signature  Rank & No. PC1921

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

**Breach of licence conditions –
(State briefly)**

Both the Police and the Licensing Authority are aware that the premises has recently changed ownership and that the named designated premises supervisor is no longer involved in the business. As at this time no applications have been made to transfer the premises licence and to vary the designated premises supervisor.

Please note – this is the second occasion that you have been informed of this failure

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Compliance with all aspects of the Licensing Act 2013 by making applications to transfer the premises licence and vary the designated premises supervisor.

The person on whom the closure notice has been served

Name SAM AHMED (JOTHIRU)
Date 24-3-18

Notes:

1. A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a licence to sell alcohol in contravention of sections 136 of the Licensing Act 2003 as an unauthorised sale of alcohol. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.
2. Section 20 of the 2001 Act - Closure Order
Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unauthorised sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.
3. After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.
4. In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken. Appeals - Section 24 of the 2001 Act
5. An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 25 of the 2001 Act.

6. It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).
9. It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

From: Mooney,James
Sent: 30 April 2018 10:13
To: Licensing; Bowell, Emma
Cc: Spriggs, Fred ; Reynolds,Duncan
Subject: Sweet Chilli, Bridge Street, Hereford - licensing review

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of papers with regards to a licensing review (as per the Licensing Act 2003), launched by Herefordshire Licensing Authority on 07 April 2018, against a licensed premises, licensed in the name of Sweet Chilli, 16-17 Bridge Street, Hereford. This premises - at this time - goes under the name of Sache Indian Restaurant.

The review was launched as a result of information shared in January 2018 by West Mercia Police with Herefordshire Council Licensing Authority that the ownership of the premises had changed hands, was under new ownership and that the named designated premises supervisor was not longer involved in the business.

West Mercia Police are aware that the authority wrote to the premises and the named premises licence holder advising them of the need to transfer the premises licence and to vary the designated premises supervisor. They were also told that to continue to supply/sell alcohol would be a criminal offence.

West Mercia Police were made aware that the premises did not make the required applications and continued to supply/sell alcohol without a named designated premises supervisor.

As a consequence officers from West Mercia Police attended the premises to offer further 'face to face' advice and to ensure compliance of the law.

At 1845hrs on the 16 February 2018, officers attend and found the premises open with customers. Alcohol was visible and customers were drinking what was obviously alcohol. Officers spoke to a male who identified himself as being in charge and the owner - he gave his name as Jahirul AHMED - but called himself Sam. The issues were explained to him and he was issued a Section 19 closure notice (as per S19 of the Criminal Justice and Police Act 2001). The effect of this notice is to inform the users of the premises that they are breaching legislation and that they should rectify the situation. In this case the notice stated that as the premises did not have a designated premises supervisor and therefore cannot under take licensable activities until a named designated premises supervisor was in place. Mr AHMED stated he would contact the Licensing Authority to sort the matter out.

Further information came to light that the premises continued to breach legislation.

On the 23 March 2018 an e-mail was sent by the police to the premises informing them that the police are aware they continue to breach legislation and that the matter was serious and that they could expect further intervention visits.

At 1925hrs on 24 March 2018, officer attend the premises again and served a similar S19 notice on Mr AHMED after they found the premises open with customers and alcohol being served.

A further police visit was made to the premises at **2015hrs on 30 March 2018**, and again the premises was open with customers and alcohol on display and being served. Mr AHMED was told - again - that he was breaching legislation and that he should desist from doing so. Again he said he would contact the Licensing Authority to sort out the matter.

On all occasions when officers attended they engaged with a person who they believed to be the new owner Johirul AHMED. At no time did they see or speak to the named designated premises supervisor Abtal HUSSAIN.

West Mercia Police do take these breaches as being serious.

This premises has been licensed for a number of years and was subject to a joint police and UK Border Agency intervention visit in July 2017. At that time one male who was working in the premises was detained as it had been established he was an illegal worker with no right to stay in the country or to work in the country. This matter was subject to a licensing review application which was granted by this committee.

The view of West Mercia Police is that this licensing review is totally justified and that despite interventions by West Mercia Police and multiple interventions by the Licensing Authority, the premises repeatedly ignored advice and warnings and persistently undertook licensable activities without a designated premises supervisor.

The view of West Mercia Police is that the premises licence for Sweet Chilli Restaurant should be revoked.

Attachments:

S19 notice dated 16/02/2018

S19 notice dated 24/03/18

E-mail to the premises dated 23/03/18.

Regards

Jim Mooney - on behalf of Ps 3456 Reynolds
Harm Reduction/Community Safety Dept.,
Harm Reduction Coordinator,
Herefordshire Policing Area
West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

james.mooney@westmerciam.pnn.police.uk

[In Herefordshire we protect people from harm](#)

[#destinationHereford](#)

www.westmerciam.police.uk/maketherightcall


The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.

**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice:

Police Force: West Mercia Police

Person making the Notice:

Signature:  Rank & No. PC2347

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

**Breach of licence conditions –
(State briefly)**

Both the Police and the Licensing Authority are aware that the premises has recently changed ownership and that the named designated premises supervisor is no longer involved in the business. As at this time no applications have been made to transfer the premises licence and to vary the designated premises supervisor.

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Compliance with all aspects of the Licensing Act 2013 by making applications to transfer the premises licence and vary the designated premises supervisor.

The person on whom the closure notice has been served

Name Johirul Ahmed (sam)
Date 18.02.2018 18.45

**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice: 1925 24/03/18

Police Force: West Mercia Police

Person making the Notice: PC GORLAND

Signature: MB Gorland Rank & No. PC 1921

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

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(State briefly)**

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Name SAM AHMED (JOTHIRUL)
Date 24-3-18

Notes:

1. A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a licence to sell alcohol in contravention of sections 136 of the Licensing Act 2003 as an unauthorised sale of alcohol. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.
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4. In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken. Appeals - Section 24 of the 2001 Act
5. An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 25 of the 2001 Act.
6. It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).
9. It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

From: Mooney,James
Sent: 23 March 2018 08:35
To: Sham Ahmed; Sachè Indian Lounge
Cc: licensing.herefordshire; 'Bowell, Emma'; King,Gareth; Reynolds,Duncan; Paskin,Carl;
'Spriggs, Fred'
Subject: TRANSFER of a premises licence for Sweet Chilli

Importance: High
Good morning

West Mercia Police has been copied into the e-mails regarding this premises and the fact that you are still selling/supplying alcohol without a designated premises supervisor.

Please be aware that the police take this matter very seriously and as a consequence will be visiting the restaurant unannounced when you are open to ensure you are complying with the law - if you are found breaching legislation West Mercia Police will consider all options open to them which can include criminal prosecution and a licensing review. This may impact on any future applications you make to become the premises licence holder and appoint a designated premises supervisor.

This is quite a simple matter to resolve and you should do so without any further delay.

Regards

Jim Mooney
Harm Reduction/Community Safety Dept.,
Harm Reduction Coordinator,
Herefordshire Policing Area
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmercia.pnn.police.uk
In Herefordshire we protect people from harm
#destinationHereford
www.westmercia.police.uk/maketherightcall

The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.

From: Licensing [mailto:licensing@herefordshire.gov.uk]
Sent: 23 March 2018 08:12
To: Sham Ahmed; Sachè Indian Lounge
Cc: licensing.herefordshire
Subject: FW: TRANSFER of a premises licence for Sweet Chilli

Good morning

Thank you for your email.

As per our email 26.02.18 at 10:26, to date we have also only received a personal licence application from you which we are unable to process and accept due to you primarily residing in Birmingham.

You should get a personal licence from the council in the area where you live, not where you work or do business.

If a person wishes to take over an existing premises licence they can apply for a premises licence to be transferred to them (which is what we are asking you to do).

We will need:

Premises Licence (original must be returned)

Transfer Application (to be completed by the proposed licence holder)

Consent Form (to be completed by the previous premises licence holder)

£23 fee

Change Designated Premises Supervisor (DPS)

If a premises licence holder wishes to change the named Designated Premises Supervisor (DPS) an application must be submitted.

A change of DPS would be required if the current DPS leaves the business. A new DPS would be required in order to continue operating legally.

The prospective DPS must be a personal licence holder.

The application to change the DPS can take immediate effect or take effect on a specified date as stated on the application form

We will need:

Premises Licence (original must be returned)

Vary DPS Application (to be completed by the proposed premise licence holder)

Consent Form (to be completed by the proposed DPS)

£23 fee

I note these forms have been sent to you **three times before** (they are quite self-explanatory) but I attach them again for you. Unfortunately we do not accept applications via email.

As we have not received a Transfer or Vary DPS application off you, you are not authorised to sell alcohol. Please may I remind you, it is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both. In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation we may take enforcement action against you.

If you are still unclear as to what is required, I suggest seeking your own licensing advice through a consultant as the authority has given all the advice they can and are able to.

Regards

Licensing

Environmental Health & Trading Standards,

Herefordshire Council, 8 St Owen Street, Hereford. HR1 2PJ

Hereford.

HR1 2PJ

Tel: 01432 261761

Fax: 01432 261982

email: licensing@herefordshire.gov.uk

Please note: - Licensing operate an up to 5 working day call/email back system.

For all work related emails, please send to licensing@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,

MEMORANDUM

To : RESPONSIBLE AUTHORITIES/INTERESTED PARTIES

From : LICENSING SECTION, ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261761 My Ref : EB/PR01360

Date : 06.04.2018 Your Ref :

LICENSING ACT 2003 NOTIFICATION OF APPLICATION FOR REVIEW OF PREMISES LICENCE

The Licensing Section has received the following applications for the REVIEW of a premises licence. A summary of each application is provided in the table below. If you would like to view any of the applications copies are available at the licensing section.

Should you wish to make a representation in respect of any one of the applications listed then please submit your information on the memorandum below to the licensing section before expiry of the 28 day representation period which is the date shown in column 4 of the table below. Please be aware that the licensing authority can only consider those representations that are relevant to the four licensing objectives: ***Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection of Children from Harm.***

For the Environmental Health Commercial and Environmental Protection Teams should officers wish to raise any issues in respect of any of the applications listed below please contact the Environmental Health team (licensing) in good time for the relevant representations to be co-ordinated and made to the licensing section within the 28 day period.

Premise Name	Premise address	Grounds for Review	Start of 21day consultation Period	End of 28day consultation Period	Current Licence
Sweet Chilli	16-17 Bridge Street Hereford HR4 9DF	Prevention of Crime/Disorder The premises continues to operate without a Designated Premises Supervisor and despite intervention from the Licensing Authority and Police continues to do so.	07.04.2018	04.05.2018	PR01360 Late Night Refreshment: Monday to Sunday: 23:00-01:00 Sale by retail of alcohol: Monday to Sunday: 12:00-01:00

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

MEMORANDUM

To : LICENSING OFFICER

From : TRADING STANDARDS – LEAH WILSON

Tel : 01432 260163 My Ref : 053223

Date : 23.04.18 Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
SWEET CHILLI**

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE	
<p>PROTECTION OF CHILDREN FROM HARM</p> <p>Trading standards are concerned regarding the matters detailed in the review. Particularly that the premises still has no DPS despite the assistance from the licensing department and the police. I understand there is still no person in charge with a personal licence either. This puts children at harm because of the lack of control at the premises. As the risk to children is quite high trading standards therefore support the revocation of this licence.</p> <p>If a DPS can be put in place that all parties have confidence in then our department recommend the following conditions to be put on the licence:</p> <ol style="list-style-type: none"> 1. 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 course 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. No person shall be authorised to sell or supply alcohol until this 	

<p>training is completed. Refresher training will be conducted at 6 monthly intervals. 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.</p> <p>2. A written or electronic 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. It will be collected and reviewed on a weekly 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.</p> <p>3. 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 sale area advertising the scheme operated.</p>	
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REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

**LEAH WILSON
TRADING STANDARDS
HEREFORDSHIRE COUNCIL**



Meeting:	Licensing sub-committee
Meeting date:	Wednesday 30 May 2018
Title of report:	Review of a premise licence in respect of Ruby Chinese Takeaway, 23 Union Street, Hereford. HR1 2BT– Licensing Act 2003
Report by:	Licensing technical officer

Classification

Open

Report and Appendices 1 to 3.

Exempt

Appendix 4 is exempt by virtue of paragraphs 1 and 2 of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A Local Government Act 1972, as amended.

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for a review of a premise licence in respect of Ruby Chinese Takeaway, 23 Union Street, Hereford. HR1 2BT called by Police Sergeant 3456 Reynolds of West Mercia Police

Recommendation

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 Statement of Licensing Policy 2015 - 2020.**

Options

1. There are a number of option open to the committee in relation to the review:
 - The modification of the conditions of the premises licence;
 - The exclusion of any licensable activities from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence for a period not exceeding 3 months; and
 - The revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively it is open to the licensing authority to determine that no action is required to promote the licensing objectives or issue an informal warning in writing to the licence holder and/or to recommend improvement within a specified period of time.

Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party
6. The details of the application are:

Applicant	Police Sergeant 3456 Reynolds of West Mercia Police	
Solicitor	Not applicable	
Type of application: Review	Date received: 18 April 2018	28 Days consultation ended 15 May 2018

7. The application for the review is attached (appendix 1)
8. Copies of the application were sent to the premise licence holder and responsible authorities.
9. In brief West Mercia Police's grounds for the review are:

The premises were subject to a visit from multiple agencies and four (4) persons were found to be working at the premises were in the UK with no right to stay or work.

Premises History

10. The premises was first licensed in February 2006 as a Chinese takeaway for late night refreshment. Since it has been licensed, there have been no changes.

Current Licence

11. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Late Night Refreshment:

Monday – Wednesday; 23:00- 00:00

Thursday – Sunday; 23:00- 01:30

Non Standard Hours: None

12. The licence is also subject to a number of conditions.

Circumstances leading to the review

13. As part of a pre-planned operation a joint Multi Agency Targeted Enforcement (MATE) took place on Saturday 07 April 2018.
14. At 1910 hrs West Mercia Police in partnership with officers from the UK Border and Immigration Agency, Hereford & Worcester Fire Service, Herefordshire Environmental Health (Food) and Herefordshire Council Houses of Multi-Occupancy attended the Ruby Chinese Takeaway.
15. The premises were open to the public. Four members of staff working in the kitchens were detained as individuals who had no right to be in the UK and no right to work in the UK. All those detained are Chinese nationals (Three males and one female) The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.
16. As a result, this review was launched.

Summary of Representations

17. No accepted representations have been received from other responsible authorities or members of the public.
18. One comment was received from Hereford Town Council (Appendix 3).
19. A statement from the UK Border Agency in connection with the enforcement visit is attached at Appendix 4

Community Impact

20. Any decision is unlikely to have any impact on the local community.

Equality duty

21. There are no equality issues in relation to the content of this report.

22. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
23. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

24. There are unlikely to be any financial implications for the council at this time.

Legal Implications

25. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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:
31. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

32. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

33. Schedule 5 gives a right of appeal which states:

An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.

34. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

Risk Management

35. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

36. All responsible authorities and members of the public living within Herefordshire.

Appendices

- Appendix 1 Review Application Form
Appendix 2 Current Premise Licence
Appendix 3 Hereford Town Council Comment
Appendix 4 Exempt Statement from UK Border Agency

Background Papers

None.

Application for the review of a premises licence or club premises certificate 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 Police Sergeant 3456 REYNOLDS

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Ruby Chinese Takeaway 23 Union Street	
Post town Hereford	Post code (if known) HR1 2BT

Name of premises licence holder or club holding club premises certificate (if known) Sinh Quang TRAN
--

Number of premises licence or club premises certificate (if known) PRO1014
--

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises



- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) X
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Sergeant 3456 REYNOLDS Harm Reduction Dept., Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

West Mercia Police in partnership with officers from the UK Border and Immigration Agency, Hereford & Worcester Fire Service, Herefordshire Environmental Health (Food) and Herefordshire Council Houses of Multi-Occupancy attended the premises on Saturday 07 April 2018 and detained 4 persons who it was established were working at the premises and were in the UK illegally with no right to stay or work.

This is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.

Please provide as much information as possible to support the application
(please read guidance note 2)

As part of a pre planned operation a joint Multi Agency Targeted Enforcement (MATE) took place on Saturday 07 April 2018.

At 1910hrs West Mercia Police in partnership with officers from the UK Border and Immigration Agency, Hereford & Worcester Fire Service, Herefordshire Environmental Health (Food) and Herefordshire Council Houses of Multi-Occupancy attended the Ruby Chinese Takeaway.

The premises was open to the public. Four members of staff working in the kitchens were detained as individuals who had no right to be in the UK and not right to work in the UK. All those detained are Chinese nationals (Three males and one female)

The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.

Additionally it was established that these same persons were living on the premises in rooms which were deemed unsafe and failing to meet required standards. This resulted in an enforcement notice being issued by the Fire Service and a prohibition notice issued by the council HMO to prevent individuals living in the first floor accommodation and under a staircase at the rear of the premises near to food preparation areas.

The owner of the premises a Mr TRAN who is also the premises licence holder was working at the public counter of the premises. All four detained were staff members working in the kitchen area.

This premises is a well established business and is licensed to provide late night refreshment 7 days a week – some until midnight and at weekends until 0130hrs.

The view of West Mercia Police is that the premises licence for the Ruby Chinese Takeaway should be revoked.

Further information will be provided to support this application prior to any hearing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

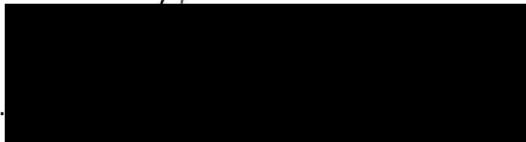
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 11 April 2018

Capacity Herefordshire Police Harm Reduction Supervisor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

From: Connor Powell [mailto:cpowell@herefordcitycouncil.gov.uk]
Sent: 02 May 2018 10:41
To: Bush, Anthony <abush@herefordshire.gov.uk>
Cc: Licensing <licensing@herefordshire.gov.uk>
Subject: FW: Memo to RA's, App to Review Premise Licence - Ruby Chinese

Dear those responsible,

Hereford City Council Planning Committee commented that the license in question (Ruby Chinese Takeaway) should be revoked as Councillors believe that the grounds for review constitute a breach in the terms of licensing. Councillors felt that this would serve as a message for other businesses in the area.

Kind regards,

Connor Powell
Administration, Finance and Information Officer
Hereford City Council
Town Hall, St Owens Street
Hereford
HR1 1PJ
Tel: 01432 260527
Website: www.herefordcitycouncil.gov.uk

Document is Restricted



Meeting:	Licensing sub-committee
Meeting date:	Wednesday 30 May 2018
Title of report:	Review of a premise licence in respect of 9+9 Cantonese Takeaway (also known as Spice Minster), 102 Widemarsh Street, Hereford. HR4 9HG– Licensing Act 2003
Report by:	Licensing technical officer

Classification

Open

Report and Appendices 1 to 5.

Exempt

Appendix 6 is exempt by virtue of paragraphs 1 and 2 of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A Local Government Act 1972, as amended

Key Decision

This is not an executive decision.

Wards Affected

Widemarsh

Purpose

To consider an application for a review of a premise licence in respect of 9+9 Cantonese Takeaway (also known as Spice Minster), 102 Widemarsh Street, Hereford. HR4 9HG called by Police Sergeant 3456 Reynolds of West Mercia Police

Recommendation

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,**

Further information on the subject of this report is available from
Emma Bowell – Licensing Technical Officer, Tel no. 01432 261761

- **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 Statement of Licensing Policy 2015 - 2020.**

Options

1. There are a number of options open to the committee in relation to the review:
 - The modification of the conditions of the premises licence;
 - The exclusion of any licensable activities from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence for a period not exceeding 3 months; and
 - The revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively it is open to the licensing authority to determine that no action is required to promote the licensing objectives or issue an informal warning in writing to the licence holder and/or to recommend improvement within a specified period of time.

Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party
6. The details of the application are:

Applicant	Police Sergeant 3456 Reynolds of West Mercia Police	
Solicitor	Not applicable	
Type of application: Review	Date received: 18 April 2018	28 Days consultation ended 15 May 2018

7. The application for the review is attached (appendix 1)
8. Copies of the application were sent to the premise licence holder and responsible authorities.

9. In brief West Mercia Police's grounds for the review are:

The premises were subject to a visit from multiple agencies and one (1) person was found to be working at the premises and were in the UK with no right to stay or work.

Premises History

10. The premises were first licensed in January 2006 as a Cantonese takeaway for late night refreshment. Since it has been licensed, there have been no changes.
11. The Licensing Authority were made aware in June 2010 that the premises may have changed hands and that Mrs YUEH HWA LEE ceased to be the licence holder. As a result, the Licensing Authority sent a letter to Mrs Lee (appendix 2).
12. An application to transfer the premise licence was not received.
13. The Licensing Authority were made aware in February 2016 that the premises may have changed hands and premise name and that Mrs YUEH HWA LEE ceased to be the licence holder. As a result, the Licensing Authority sent a letter to Spice Minister (appendix 3).
14. An application to transfer the premise licence was not received.
15. The premises is now known as Spice Minister and it is believed to have a new owner.
16. The premise licence is has been suspended since February 2014 due to non-payment of annual fees.

Current Licence

17. The current licence (appendix 4) authorises the following licensable activities during the hours shown:

Late Night Refreshment:

Monday-Thursday, Sunday: 16:00 - 01:00

Friday-Saturday: 16:00 – 01:30

Non Standard Hours

Non standard timings: None

Seasonal variations: None

18. The licence is also subject to a number of conditions.

Circumstances leading to the review

19. As part of a pre-planned intelligence lead operation a joint Multi Agency Targeted Enforcement day of action took place on Saturday 07 April 2018.
20. At 1716hrs the group visited 9 + 9 Cantonese Takeaway in Widemarsh Street, Hereford. This premises is licensed in this name for late night refreshment, however it is commonly known as Spice Minister.
21. The premises were open to the public. On entering and making their way to the kitchen area, two males were seen to run out of the rear. After a short chase both were detained. Both are Bangladeshi nationals and both admitted to working at the premises. One of the

males detained was arrested as he had no right to be in the country. He is an illegal immigrant - it was further established that he had been detained at the premises in October 2017 in similar circumstances. At that time the detained male appealed the decision - however this appeal was refused. The second male who ran away is subject to an ongoing asylum claim.

22. As a result, this review was launched.

Summary of Representations

23. No accepted representations have been received from other responsible authorities or members of the public.
24. One comment was received from Hereford Town Council (Appendix 5).
25. A statement from the UK Border Agency in connection with the enforcement visit is attached at Appendix 6.

Community Impact

26. Any decision is unlikely to have any impact on the local community.

Equality duty

27. There are no equality issues in relation to the content of this report.
28. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
29. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

31. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.

32. 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.
33. 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.
34. 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.
35. 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'.
36. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

37. Schedule 5 gives a right of appeal which states:
- An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.
- The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

Risk Management

38. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

39. All responsible authorities and members of the public living within Herefordshire.

Appendices

- Appendix 1 Application for Review
 Appendix 2 Need to Transfer Letter 02.06.2010
 Appendix 3. Need to Transfer Letter 17.02.2016
 Appendix 4. Current premises licence

- Appendix 5. Hereford Town Council Comment
Appendix 6. Exempt – Statement from UK Border Agency

Background Papers

None.

Application for the review of a premises licence or club premises certificate 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 Police Sergeant 3456 REYNOLDS

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 9 + 9 Cantonese Takeaway – also known as Spice Minister 102 Widemarsh Street	
Post town Hereford	Post code (if known) HR4 9HG

Name of premises licence holder or club holding club premises certificate (if known) Yueh Hwa LEE

Number of premises licence or club premises certificate (if known) PRO00971

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Sergeant 3456 REYNOLDS Harm Reduction Dept., Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

West Mercia Police in partnership with officers from the UK Border and Immigration Agency, Hereford & Worcester Fire Service, Herefordshire Environmental Health (Food) and Herefordshire Council Houses of Multi-Occupancy attended the premises on Saturday 07 April 2018 and detained 1 person who it was established was working at the premises and was in the UK illegally with no right to stay or work.

This is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.

Please provide as much information as possible to support the application
(please read guidance note 2)

As part of a pre planned intelligence lead operation a joint Multi Agency Targeted Enforcement day of action took place on Saturday 07 April 2018.

Officers from West Mercia Police, Hereford & Worcester Fire Service, the UK Border and Immigration Agency, Herefordshire Council Food Hygiene and Housing were involved in this operation. Each have their own individual area of responsibility.

At 1716hrs the group visited 9 + 9 Cantonese Takeaway in Widemarsh Street, Hereford. This premises is licensed in this name for late night refreshment, however it is commonly known as Spice Minister.

The premises was open to the public. On entering and making their way to the kitchen area, two males were seen to run out of the rear. After a short chase both were detained. Both are Bangladeshi nationals and both admitted working at the premises. One of the males detained was arrested as he had no right to be in the country. He is an illegal immigrant – it was further established that he had been detained at the premises in October 2017 in similar circumstances. At that time the detained male appealed the decision – however this appeal was refused.

The second male who ran away is subject to an on-going asylum claim.

There is uncertainty who owns the licensed premises with the fact that the premises licence holder has not paid any licensing fees since 2014.

At the time of the operational visit, a male called Shakhawath HOSSAIN was present. This man was at the premises during the previous visit in October 2017. he admitted being the manager of the restaurant and a director of a company called RKJ Foods Limited. This company was issued with a civil immigration penalty of £10000 due to the detention of an illegal immigrant at the premises in October 2017. The majority of this fine is still outstanding.

When further questioned Mr HOSSAIN said that both persons detained had only started working at the premises the 'day before' – despite the male detained as an illegal immigrant being detained at the same location in 2017.

Whilst the premises has not paid their licence fees for a number of years, it still remains licensed. It is licensed for the provision of late night refreshment.

The view of West Mercia Police is that the premises licence holder – and those who are currently responsible for the premises – have a totally disregards of the law and continue to commit criminal offences. The view is that the employment of illegal immigrants is a serious matter and that the premises licence for this location should be revoked.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 11 April 2018

Capacity Herefordshire Police Harm Reduction Supervisor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**9 + 9 CANTONESE TAKE AWAY
102 WIDEMARSH STREET
HEREFORD
HR4 9HG**

Your Ref:
Our Ref: PREM/ PR00971/PHM
Please ask for: Licensing Assistant
Direct Line / Extension: 01432 260105
Fax: 01432 383142
E-mail: licensing@herefordshire.gov.uk

2nd June 2010

Dear Sir/Madam,

**LICENSING ACT 2003
PREMISES LICENCE
9 + 9 CANTONESE TAKE AWAY, 102 WIDEMARSH STREET, HEREFORD, HR4 9HG**

I write to inform you that the licensing section has been informed that Mrs Yueh Hwa Lee is no longer at the above premises.

I must therefore advise you that the Licensing Act 2003 Section 19 states: -

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

I have enclosed a transfer and change of DPS form for you to complete so that Mrs Yueh Hwa Lee name is removed from the licence. Please return these to the licensing section along with a fee of £46; we also require the original premise licence. If you do not have the original please enclose an additional fee of £10.50 for a duplicate copy. Please also refer to the guidance provided to help with the completion of the application forms.



Certificate No. 4392



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future
Herefordshire Council, Licensing Section, County Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF
Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

Should you have any queries or require any additional information, please contact the Licensing Helpline on 01432 260105.

Yours sincerely,

**MR PETER MORGAN
ADMINISTRATIVE ASSISTANT
LICENSING SECTION
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

Economy, Communities and Corporate Directorate

Director: Geoff Hughes

Sir/Madam
Spice Minster
102 Widemarsh Street
Hereford
HR4 9HG

Your Ref:

Our Ref: PREM/PR00971

Please ask for: Licensing Assistant

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk

17th February 2016

Dear Sir/Madam

**LICENSING ACT 2003
APPLICATION FOR TRANSFER OF A PREMISES LICENCE
PREMISES: SPICE MINSTER**

We have reason to believe that this premise is no longer under the control of the licence holder (Mrs Yueh Hwa Lee -) as specified on the premises licence.

Therefore the supply of hot food and hot drink is not permitted between the hours of 23:00 – 05:00

The licence is currently suspended for non-payment of annual fees from 2014. Until such time payment is made, licensable activities cannot take place at the premises.

You are advised that Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine of up to £20,000, or to both.

I have enclosed a Transfer application pack for your completion and advise you the cost to Transfer is £23.

Should you require any further assistance on completing the application forms this authority has a licensing helpdesk that can be contacted on 01432 261761.

Yours faithfully,

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS**



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

County of Herefordshire District Council,

Licensing Section, County Offices, PO Box 233, Blueschool House, Hereford, HR1 2ZB

Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

LICENSING ACT 2003
Part A - Premises Licence

Premises licence number PR00971 (Permanent)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description 9 + 9 CANTONESE TAKE AWAY 102 WIDEMARSH STREET	
Post town HEREFORD	Postcode HR4 9HG
Telephone number 01432 378078	

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

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Provision of late night refreshment (Indoors)
--

The times the licence authorises the carrying out of licensable activities Monday-Thursday,Sunday: 16:00 - 01:00 Friday-Saturday: 16:00 – 01:30 Non Standard Hours Non standard timings: None Seasonal variations: None

The opening hours of the premises Monday-Thursday,Sunday: 16:00 - 01:00 Friday-Saturday: 16:00 – 01:30 Non standard timings: None Seasonal variations: None

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Not applicable

Part 2

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

**Mrs YUEH HWA LEE
9 + 9 CANTONESE TAKE AWAY
102 WIDEMARSH STREET
HEREFORD
HR4 9HG**

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

Not applicable

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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions: None applicable

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions / objectives

General: Not applicable

Prevention of Crime:

The provision of a terminal hour for all licensable activities of 01:30 Hours.

Prevention of Public Nuisance:

1. The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance
2. No noxious smells shall be emitted from the premises at any time so as to cause a nuisance.
3. The extraction/filtration system fitted in the kitchen/cooking area shall be maintained in a good state of repair and in clean condition.
4. A grease trap shall be fitted to the foul drainage pipe work serving the cooking area/kitchen to prevent grease accessing the pipe work that could cause a blockage.
5. The grease trap shall be maintained in good working order and regularly cleaned.
6. Receptacles of sufficient capacity shall be provided for the deposit of litter in the shop front area at all times.
7. Such receptacles shall be regularly emptied to prevent accumulations.
8. Receptacles of sufficient capacity with close fitting lids shall be provided at the premises for adequate storage of refuse and a regular sufficient waste collection contract in place to prevent accumulations and minimise the likelihood of nuisance.
9. Prominent, clear and legible notices shall be displayed at the main entrance/exit requesting the public to Please respect the needs of local residents and leave the premises and the area

quietly and Please Keep Hereford Tidy dispose of your litter responsibly.

Public Safety:

1. No serviettes, straws, cutlery or other eating utensils shall be stored in the customer area after 11pm.
2. No glass bottles or glass containers shall be supplied at the premises after 20.00 hours on any day.
3. Adequate systems shall be in place to effectively control the number of persons entering the premises and effectively deal with any altercations, aggressive behaviour or crowd control issues that may arise at the premises.

Protection of Children: Not applicable

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

Not applicable

Annex 4 - Plans

As attached

LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number PR00971 (Permanent)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description 9 + 9 CANTONESE TAKE AWAY 102 WIDEMARSH STREET	
Post town HEREFORD	Post code HR4 9HG
Telephone number 01432 378078	

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

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Provision of late night refreshment (Indoors)
--

The times the licence authorises the carrying out of licensable activities Monday-Thursday,Sunday: 16:00 - 01:00 Friday-Saturday: 16:00 – 01:30 Non standard timings: None Seasonal variations: None
--

The opening hours of the premises Monday-Thursday,Sunday: 16:00 - 01:00 Friday-Saturday: 16:00 – 01:30 Non standard timings: None Seasonal variations: None

Name, (registered) address of holder of premises licence Mr YUEH HWA LEE 9 + 9 CANTONESE TAKE AWAY 102 WIDEMARSH STREET HEREFORD HR4 9HG
--

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

Not applicable

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

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

State whether access to the premises by children is restricted or prohibited

Licensing Conditions: Not applicable

Licensing Objectives: Not applicable

From: Connor Powell [mailto:cpowell@herefordcitycouncil.gov.uk]
Sent: 02 May 2018 10:42
To: Bush, Anthony <abush@herefordshire.gov.uk>
Cc: Licensing <licensing@herefordshire.gov.uk>
Subject: FW: Memo to RA's, App to Review Premise Licence - 9+9 Cantonese Takeaway aka Spice Minister

Dear those responsible,

Hereford City Council Planning Committee commented that the license in question (9+9 Cantonese Takeaway aka Spice Minister) should be revoked as Councillors believe that the grounds for review constitute a breach in the terms of licensing. Councillors felt that this would serve as a message for other businesses in the area.

Kind regards,

Connor Powell
Administration, Finance and Information Officer
Hereford City Council
Town Hall, St Owens Street
Hereford
HR1 1PJ
Tel: 01432 260527
Website: www.herefordcitycouncil.gov.uk

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