

Agenda

Licensing sub-committee

Date: **Friday 10 August 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 A Seldon

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
4. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'BALTI SHABAGH, 16 BURGESS STREET, LEOMINSTER, HR6 8DE- LICENSING ACT 2003 To consider an application for a review of a premise licence in respect of Balti Shabagh, 16 Burgess Street, Leominster, HR6 8DE called by Police Sergeant 3456 Reynolds of West Mercia Police.	11 - 36
5. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'TASTE OF INDIA, 52 WEST STREET, LEOMINSTER, HR6 8EU- LICENSING ACT 2003 To consider an application for a review of a premise licence in respect of Taste of India, 52 West Street, Leominster. HR6 8UE called by Police Sergeant 3456 Reynolds of West Mercia Police.	37 - 66
6. REVIEW OF A PREMISE LICENCE IN RESPECT OF 'SUMMER PALACE ORIENTAL RESTAURANT, 60 WIDEMARSH STREET, HEREFORD. HR4 9HG - LICENSING ACT 2003. To consider an application for a review of a premise licence in respect of Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG called by Police Sergeant 3456 Reynolds of West Mercia Police.	67 - 90

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

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

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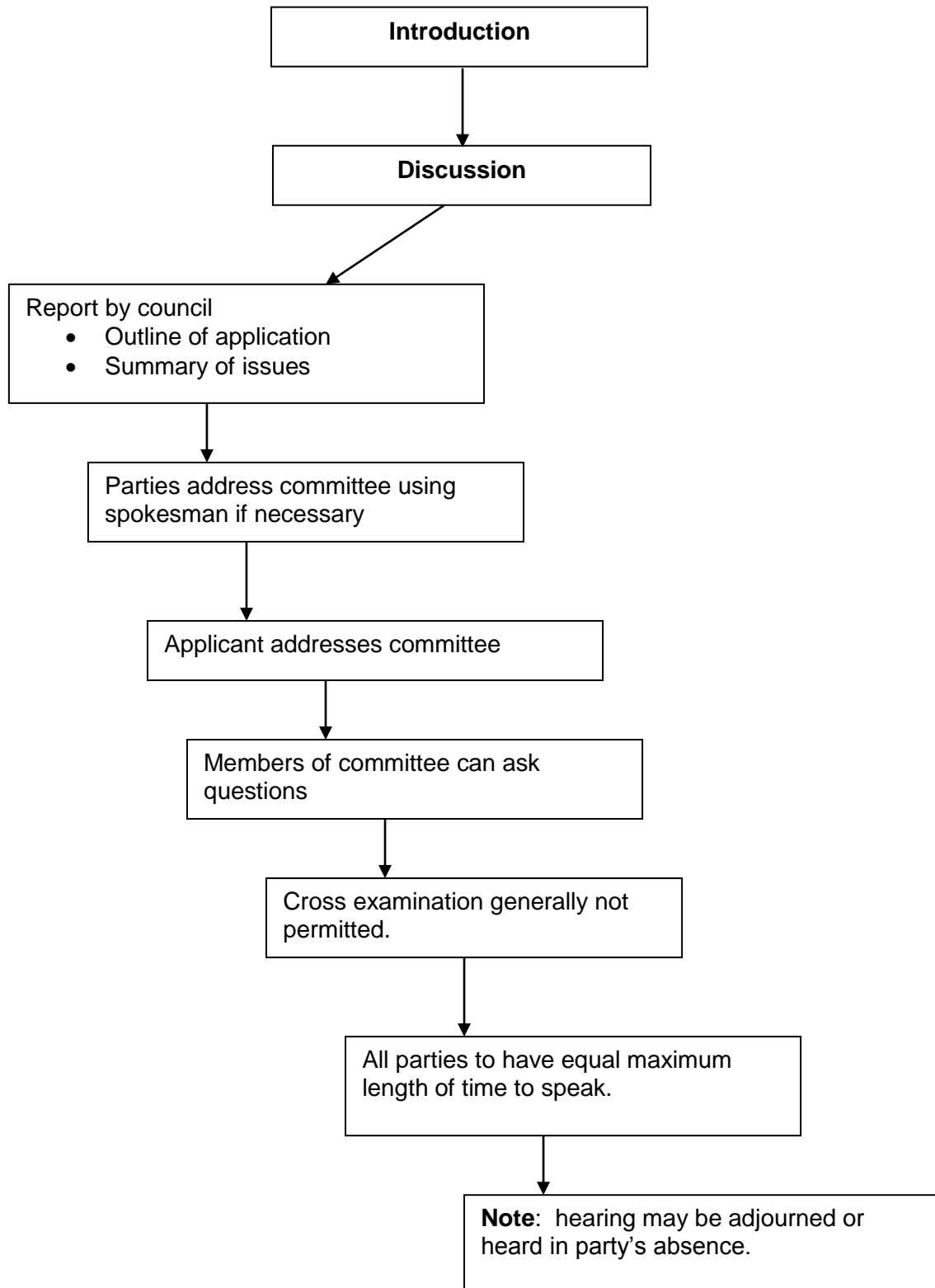
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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

Licensing Hearing Flowchart





Meeting:	Licensing sub-committee
Meeting date:	Friday 10 August 2018
Title of report:	Review of a premise licence in respect of 'Balti Shabagh, 16 Burgess Street, Leominster, HR6 8DE– Licensing Act 2003
Report by:	Licensing technical officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster East

Purpose

To consider an application for a review of a premise licence in respect of Balti Shabagh, 16 Burgess Street, Leominster, HR6 8DE 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;

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

- 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: 20 June 2018	28 Days consultation ended 18 July 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 two (2) persons were found to be working at the premises, one was an asylum seeker with no right to work in the UK and the other was in the UK illegally.

Premises History

10. The premises was first licensed in September 2005 where it was converted from an old justice's licence. Since it has been licensed, there have no changes to the licence.

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

Current Licence

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

Sale/Supply of Alcohol & Late Night Refreshment

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm.
 - (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
 - (3) On Christmas Day: 12 noon to 11:30pm; for residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
 - (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
12. The licence is also subject to a number of conditions.

Circumstances leading to the review

13. A pre-planned multi-agency operation took place on Thursday 14 June 2018 which involved West Mercia Police, UK Border and Immigration Office, Hereford & Worcester Fire & Rescue Service and departments from Herefordshire Council
14. At 19:00 hrs officers attended the premises known as Balti Shabagh as a result of intelligence with regards to the employment of illegal immigrants.
15. One male was working at the premises in the kitchen, he was detained at the premises as it was established that he was in the country illegally.
16. Another male was detained in the restaurant area and dressed as a waiter with labels identifying him as working at the premises. This male was an asylum seeker but had no rights to work in the UK.
17. The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.
18. As a result, this review was launched.

Summary of Representations

19. One representation has been received from a responsible authority – Trading Standards (Appendix 3) which has yet to have been agreed.
20. One comment was received from the Councillor for the area that the premises is situated in (Appendix 4).
21. One comment was received from Leominster Town Council (Appendix 5)

Community Impact

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

Equality duty

23. There are no equality issues in relation to the content of this report.
24. 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.
25. 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

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

Legal Implications

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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'.

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

Right of Appeal

34. 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

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 - Trading Standard Representation
Appendix 4 - Councillor Comment
Appendix 5 - Leominster Town Council Comment

Background Papers

None.

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

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 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 Balti Shabagh 16 Burgess Street	
Post town Leominster	Post code (if known) HR6 8DE
Name of premises licence holder or club holding club premises certificate (if known) Mokbul MIAH	
Number of premises licence or club premises certificate (if known) PRO1001	

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 | <input type="checkbox"/> |

- 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 Duncan 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

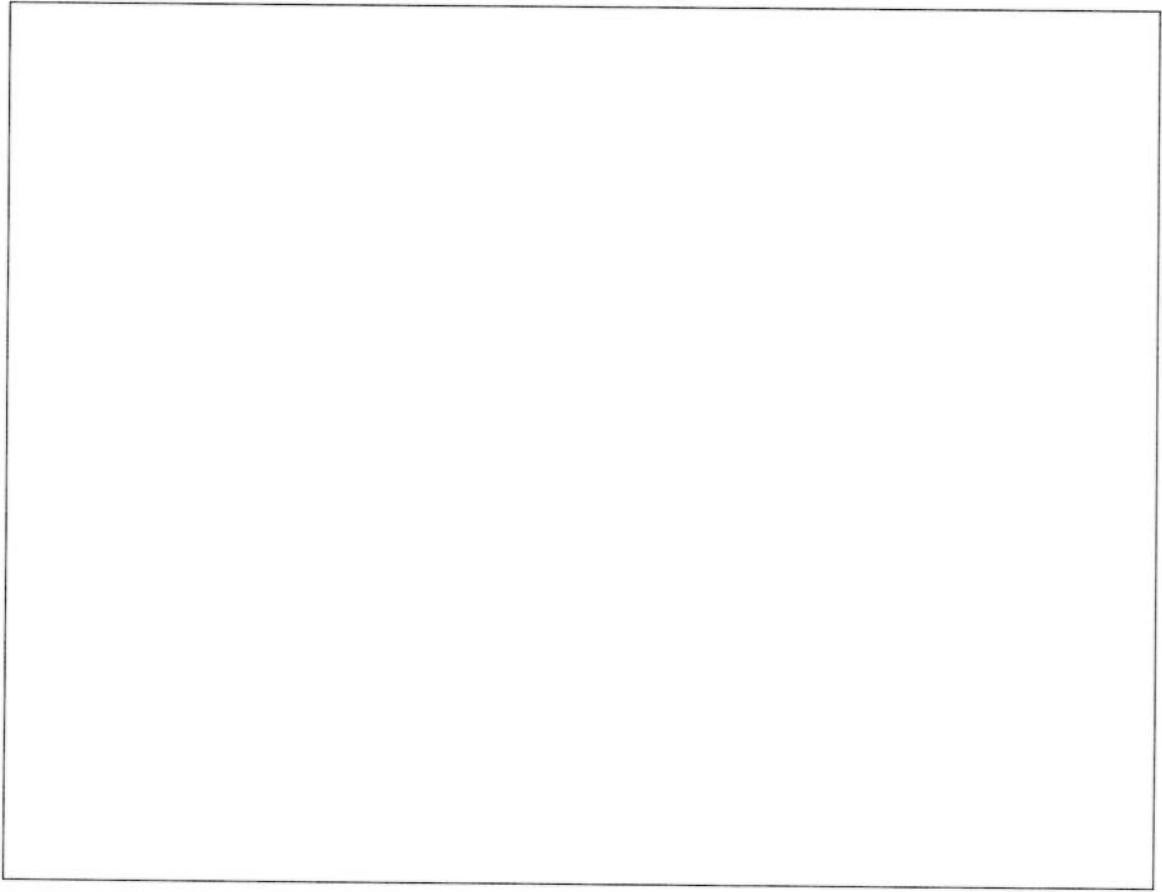
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input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

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

A multi agency operation took place on Thursday 14 June 2018.

This premises was visited and two males was detained working in the premises. One of these males was in the UK illegally and other was an asylum seeker with no right to work in the UK

The employment of illegal immigrants is a 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) operation took place on Thursday 14 June 2018. This operation involved officers from West Mercia Police, the UK Border and Immigration office, Hereford and Worcester Fire and Rescue Service and departments of Herefordshire Council.

At 1900hrs (7.00pm) officers attended the Balti Shabagh, Burgess Street, Leominster.

This visit was intelligence lead with regards to the employment of illegal immigrants.

This premises is licensed for the licensable activities of the sale/supply of alcohol and late night refreshment.

The premises was open to the public.

One male ran from the premises and was caught as he fled. He was detained and admitted working in the kitchen. This male had no rights to be in the UK and no right to be employed in the UK.

Another male was detained in the restaurant area – he was dressed as a waiter with labels identifying him as working at the premises. This male was an asylum seeker but had no rights to work in the UK.

The employment of illegal immigrants is a criminal offence and is viewed as a serious matter as per the guidance issued under S182 of the Licensing Act 2003.

A civil penalty notice was served on the manager of the premises.

The view of West Mercia Police is that this is a serious matter and as such the premises licence of this premises 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

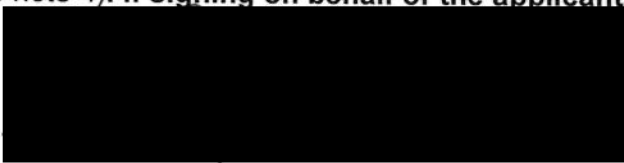
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 19 June 2018

.....

Capacity Applicant – responsible authority.

.....

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 PR01001 (Conversion)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description BALTI SHABAGH 16 BURGESS STREET	
Post town LEOMINSTER	Postcode HR6 8DE
Telephone number 01568 614500	

Where the licence is time limited the dates Not applicable
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Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Provision of late night refreshment 2. Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities <ol style="list-style-type: none"> (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm. (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
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The opening hours of the premises Plus 30 minutes to the end of the hours shown above.
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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies On the premises
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Part 2

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

Mr Mokbul Miah
BALTI SHABAGH
16 BURGESS STREET
LEOMINSTER
HR6 8DE
Telephone: (Day-time) 01568 614500
Email: [REDACTED]

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

Mr Mokbul Miah
BALTI SHABAGH
16 BURGESS STREET
LEOMINSTER
HR6 8DE

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: Herefordshire Council

Annex 1 - Mandatory conditions**Mandatory conditions where licence authorises supply of alcohol**

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

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

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

Annex 2 - Conditions consistent with the operating Schedule**Licensing conditions / objectives**

General:

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm

- (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
- (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
- i) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Sale of alcohol for consumption on the premises.

Sale of hot food for consumption on the premises.

Suitable beverages other than intoxicating liquor shall be available for consumption as an ancillary to meals on premises.

Prevention of Crime: Not applicable

Public Safety:

Fire exits

Fire extinguishers.

Fully trained staff

Prevention of Public Nuisance: Not applicable

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 PR01001 (Conversion)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description BALTI SHABAGH 16 BURGESS STREET	
Post town LEOMINSTER	Post code HR6 8DE
Telephone number 01568 614500	

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 2. Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm. (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
--

The opening hours of the premises Plus 30 minutes to the end of the hours shown above.
--

Name, (registered) address of holder of premises licence Mr Mokbul Miah BALTI SHABAGH 16 BURGESS STREET LEOMINSTER HR6 8DE Telephone: (Day-time) 01568 614500 Email: [REDACTED]

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

On the premises

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

Mr Mokbul Miah

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

Licensing Conditions: Not applicable

Licensing Objectives: Not applicable

Balti Shabagh – 16 Burgess Street, Leominster, Herefordshire, HR6 8DE.

Dear Licensing

Trading Standards would like to make representations for the above licence review that the WMP have instigated. Please see below.

Trading Standards have considered the review very carefully. Whilst they would support the police notion of revoking the licences to ensure the licence objectives are upheld, trading standards have not received any intelligence to have reason to believe children are at risk at this time.

Therefore trading standards have submitted conditions to ensure the further protection of children from harm at all the name premises as above.

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 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.
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.
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.

Kind regards

Trading Standards

From: [Bartlett, Jenny \(Cllr\)](#)
To: [Licensing](#)
Subject: Balti Shabagh 16 Burgess Street EB/PR01001
Date: 11 July 2018 15:08:58

Hello Emma,

Following the recent checks carried out at the Balti Shabagh, 16 Burgess Street Leominster I would like to make the following representation as ward member:

I take seriously the need to conduct business in accordance with all relevant legislation. As a result of this investigation there has been a breach resulting in the license review on grounds of crime and disorder which must be addressed, regarding the employment of persons working illegally in the UK in an establishment that sells alcohol and food.

Until now The Balti Shabagh has never been brought to my attention by any authorities or residents regarding illegal activities, anti-social behaviour or trouble from the sale of alcohol and food from this establishment, nor have I ever received any complaints about the quality of the food or the premises itself.

I sincerely hope this is an isolated and not to be repeated incident and will be dealt with in that manner.

Thank you for the opportunity to make this representation.

Regards

Jenny

Cllr Jenny Bartlett MA

Leominster East

Jenny.bartlett@herefordshire.gov.uk

01568 368509

Green Party

From: [Paul Russell](#)
To: [Licensing](#)
Subject: EB/PRO1001
Date: 03 July 2018 10:13:24

Dear Licensing,

With regard to the review of the licence relating to the Balti Shabagh under the prevention of crime and disorder Leominster Town Council requests that consideration be given to suspending the current licence for a period of three months to enable a full review of the issues, implement additional training and support for the relevant staff and ensure that the current issues have been fully addressed.

Regards

Paul

Paul Russell
Town Clerk
Leominster Town Council
11 Corn Square
Leominster
HR6 8YP

Tel: 01568 611734
Mob: 07772 657446



Meeting:	Licensing sub-committee
Meeting date:	Friday 10 August 2018
Title of report:	Review of a premise licence in respect of 'Taste of India, 52 West Street, Leominster, HR6 8EU– Licensing Act 2003
Report by:	Licensing technical officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster East

Purpose

To consider an application for a review of a premise licence in respect of Taste of India, 52 West Street, Leominster. HR6 8UE 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

The details of the application are.

6. The details of the application are:

Applicant	Police Sergeant 3456 Reynolds of West Mercia Police	
Solicitor	Not applicable	
Type of application:	Date received:	28 Days consultation ended
Review	20 June 2018	18 July 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 two (2) persons were found to be working at the premises and in the UK illegally with no right to work.

Premises History

10. The premises was first licensed in November 2009 under the name Farzana's. There have been a number of changes to the licence since it was first issued.

11. In May 2010, Herefordshire Council received an application to transfer the licence to Farzanas Restaurant Ltd and to Vary the Designated Premises Supervisor (DPS) to Akhtar Hussain

12. In October 2012, Herefordshire Council received an application to transfer the licence to Mr Hafiz Ali and to change the name of the premises to Taste of India.

13. In November 2012, Herefordshire Council received an application to vary the DPS to Mr Hafiz Ali.

14. Since November 2012, Mr Hafiz Ali has been the licence holder and the DPS. No further applications have been received.

Current Licence

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

A performance of live music (Indoors)
Any playing of recorded music (Indoors)
Making Music(Indoors)
Dancing (Indoors)
Other entertainment facilities (Indoors)
Late Night refreshments (Indoors)
Sale by retail of alcohol (For consumption both on and off the premises)

Monday-Sunday: 10:00 - 00:00

Non-standard timings:

An additional 30 minutes after the non – standard finish timings for the provision of licensable activities

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve; Boxing Day.

To reflect existing New Year's Eve/Day hours.

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

Circumstances leading to the review

17. A pre-planned multi-agency operation took place on Thursday 14 June 2018 which involved West Mercia Police, UK Border and Immigration Office, Hereford & Worcester Fire & Rescue Service and departments from Herefordshire Council
18. At 18:00 hrs officers attended the premises known as Taste of India as a result of intelligence with regards to the employment of illegal immigrants.
19. One male was working at the premises in the kitchen, he was detained at the premises as it was established that he was in the country illegally.
20. Another male was detained in the restaurant area and dressed as a waiter with labels identifying him as working at the premises. This male was an asylum seeker but had no rights to work in the UK.
21. The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.
22. As a result, this review was launched.

Summary of Representations

23. One representation has been received from a responsible authority – trading standards (Appendix 3) which has yet to have been agreed.
24. One comment was received from the Councillor for the area that the premises is situated in (Appendix 4).
25. One comment was received from Leominster Town Council (Appendix 5)

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

Right of Appeal

38. 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

39. 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

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

Appendices

- Appendix 1 - Review Application Form
- Appendix 2 - Current Premise Licence
- Appendix 3 - Trading Standards Representation
- Appendix 4 - Councillor Comment
- Appendix 5 - Leominster Town Council Comment

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 Duncan REYNOLDS

(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 Taste of India 52 West Street	
Post town Leominster	Post code (if known) HR6 8UE
Name of premises licence holder or club holding club premises certificate (if known) Hafiz Ali	
Number of premises licence or club premises certificate (if known) PRO0594	

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 | <input type="checkbox"/> |

- 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 Duncan 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

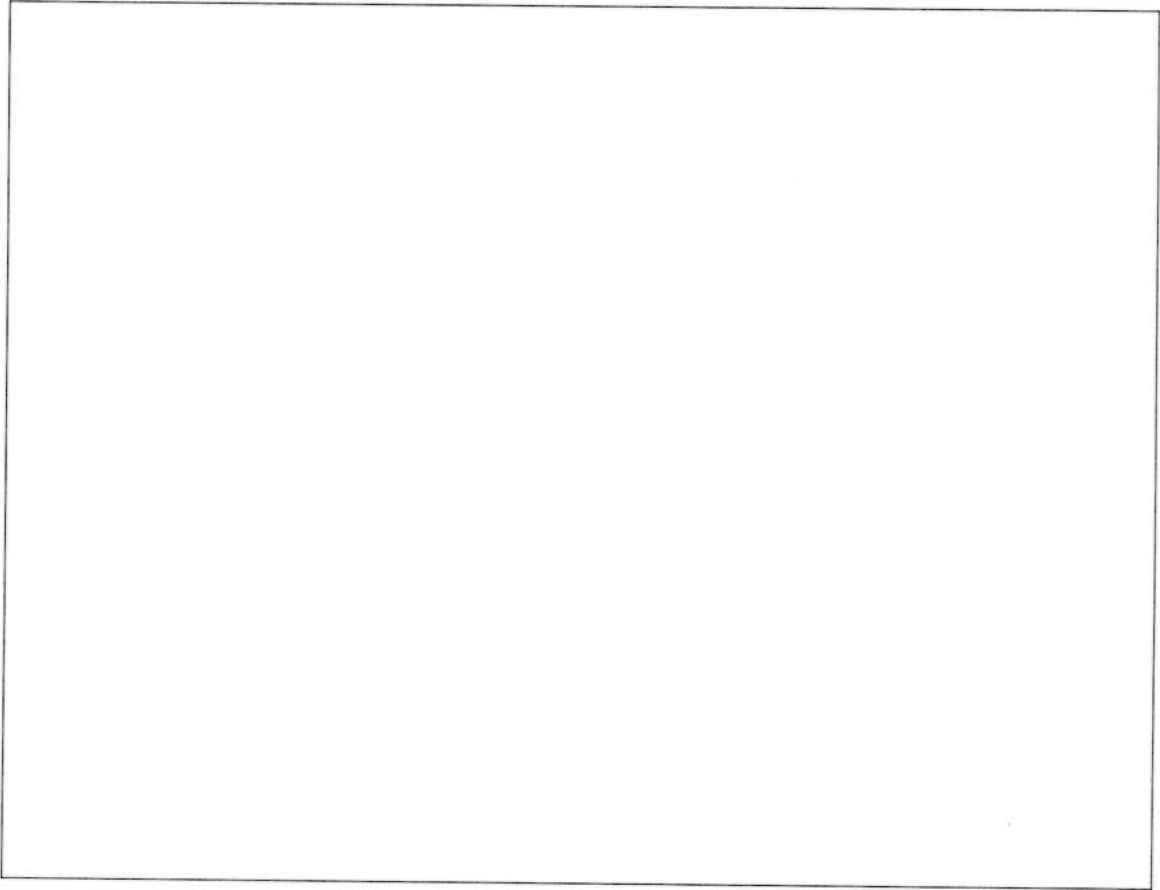
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input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

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

A multi agency operation took place on Thursday 14 June 2018.

This premises was visited and two males was detained working in the premises.
Both of these males were in the UK illegally with no right to be employed

The employment of illegal immigrants is a 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) operation took place on Thursday 14 June 2018. This operation involved officers from West Mercia Police, the UK Border and Immigration office, Hereford and Worcester Fire and Rescue Service and departments of Herefordshire Council.

At 1800hrs (6.00pm) officers attended the Taste of Indian, Leominster.

This visit was intelligence lead with regards to the employment of illegal immigrants.

This premises is licensed for the licensable activities of the sale/supply of alcohol and late night refreshment.

The premises was open to the public.

Two males were detained working in the kitchens. Neither had a right to be in the UK and therefore no right to be employed.

The employment of illegal immigrants is a criminal offence and is viewed as a serious matter as per the guidance issued under S182 of the Licensing Act 2003.

A civil penalty notice was served on the manager of the premises.

The view of West Mercia Police is that this is a serious matter and as such the premises licence of this premises 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 19 June 2018

Capacity Applicant – responsible authority.

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 - PR00594 (App To Vary DPS)****Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**Taste of India
52 West Street
Leominster
HR6 8EU**Telephone number: **01568 611599**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

Provision of regulated entertainment

1. **A performance of live music (Indoors)**
2. **Any playing of recorded music (Indoors)**

Provision of entertainment facilities

3. **Making Music(Indoors)**
4. **Dancing (Indoors)**
5. **Other entertainment facilities (Indoors)**

Provision of refreshment or alcohol

6. **Late Night refreshments (Indoors)**
7. **Sale by retail of alcohol (For consumption both on and off the premises)**

Further details:**(Live Music) Occasional unamplified and amplified music provided by solo artists,duos or groups at various times during licensed hours****(Any playing of recorded music) To match sale of liquor at section M below. Amplified recorded music ancillary to sale of alcohol (section M) below.****Occasional amplified music at various times during licensed hours****(Provision of facilities for making music) Occasional provision of musical instruments or other musical equipments at various times during licensed hours****(Dancing) Within the bar and lounge.Occasional dancing by customers to accompany live or recorded provided at various times during licensed hours****(Other entertainment facilities) Live amplified karaoke for the entertainment of customers.****Facilities or equipment required to support the works of specialist solo or multiple performers at various times during licensed hours****Description of facilities provided****(Making music) Musical instruments or other musical equipments****(Other entertainment facilities) Equipment necessary to facilitate provision of specialist performance works.**

The times the licence authorises the carrying out of licensable activities

Monday-Sunday: 10:00 - 00:00

Non standard timings:

An additional 30 minutes after the non – standard finish timings for the provision of licensable activities

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve; Boxing Day.

To reflect existing New Year's Eve/Day hours.

Seasonal variations: None

The opening hours of the premises

Monday-Sunday: 10:00 - 00:30

Non standard timings:

An additional 30 minutes after the non – standard finish timings for the provision of licensable activities

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve; Boxing Day.

To reflect existing New Year's Eve/Day hours.

Seasonal variations: None

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

Both on and off the premises

Part 2

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

**Hafiz Ali
52 West Street
Leominster
Herefordshire
HR6 8EU**

01568 611599

Appendix 2

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

**Hafiz Ali
52 West Street
Leominster
Herefordshire
HR6 8EU**

01568 611599

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 – Herefordshire Council**

Annex 1 - Mandatory conditions

Additional mandatory conditions:

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

Age verification

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

Smaller measures

The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Mandatory condition: door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General:

The Licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.

The proposed variation will not alter the style and operation of the premises

The proposed variation will promote the licensing objectives in accordance with the section 182 Guidance

The premises will operate in accordance with all relevant legislation

Details of any additional measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

Prevention of Crime:

The crime and disorder objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the crime and disorder objective

The proposed variation will promote the crime and disorder objective in accordance with the section 182 Guidance

Appendix 2

The premises will continue to operate in accordance with all relevant legislation which promotes the crime and disorder objective

The premises will liaise and co-operate with the responsible authorities

A proof of age policy will operate in relation to relevant licensable activities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the crime and disorder objective

Public Safety:

The public safety objective has been considered in the light of the proposed variation

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public safety objective.

The proposed variation will promote the public safety objective in accordance with the section 182 Guidance

The premises will continue to operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health & Safety At Work Act 1974 and associated regulations, the Food Safety Act 1990, the Regulatory Reform (Fire Safety) Order 2005 and the Disability Discrimination Act 1975.

The premises will liaise and co-operate with the Responsible Authorities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the public safety objective

The existing fire safety precautions will be retained and maintained

Prevention of Public Nuisance:

The public nuisance objective has been considered in the light of the proposed variation

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public nuisance objective.

The proposed variation will promote the public nuisance objective in accordance with the section 182 Guidance

The premises will continue to operate in accordance with all relevant legislation which promotes the public nuisance objective including, but not limited to, the Environmental Protection Act 1990 and the Noise Act 1996.

The premises will liaise and co-operate with the Responsible Authorities

A zero tolerance towards illegal drugs will operate at all times

Any drinks promotions will not adversely affect the promotion of responsible drinking

Customers will be encouraged to leave the premises in a quiet and orderly manner

Staff will be trained to observe the measures necessary to promote the public nuisance objective.

The premises will be adequately ventilated to prevent nuisance

Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance

Any noise from the licensable activities provided will be monitored in order to prevent nuisance.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises quietly.

No Live Music to be played in the outside area of the premises.

No Live Music after midnight on Monday to Saturday, and 11pm on Sunday.

Noise from recorded entertainment to be inaudible at the nearest noise sensitive location after 11pm.

Appendix 2

The outdoor area (beer garden) shall not be used for the consumption of alcohol or licensable activities after 11pm.

Music to be played at such a level so as not to cause a nuisance.

Protection of Children:

The protection of children objective has been considered in the light of the proposed variation. The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.

The proposed variation will promote the protection of children objective in accordance with the section 182 Guidance.

The premises will continue to operate in accordance with all relevant legislation which promotes the protection of children objective.

The premises will liaise and co-operate with the Responsible Authorities.

A proof of age policy will operate in relation to the relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times.

Staff will be trained to observe the measures necessary to promote the protection of children objective.

Non alcoholic drinks will be available.

Signage indicating no sales to under 18's.

No adult entertainment or services or activities must take place at the premises.

(Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-dance, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

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 - PR00594 (App To Vary DPS)

Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description Taste of India 52 West Street Leominster HR6 8EU
Telephone number: 01568 611599

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

Licensable activities authorised by the licence Provision of regulated entertainment 1. A performance of live music (Indoors) 2. Any playing of recorded music (Indoors) Provision of entertainment facilities 3. Making Music(Indoors) 4. Dancing (Indoors) 5. Other entertainment facilities (Indoors) Provision of refreshment or alcohol 6. Late Night refreshments (Indoors) 7. Sale by retail of alcohol (For consumption both on and off the premises) Further details: (Live Music) Occasional unamplified and amplified music provided by solo artists, duos or groups at various times during licensed hours (Any playing of recorded music) To match sale of liquor at section M below. Amplified recorded music ancillary to sale of alcohol (section M) below. Occasional amplified music at various times during licensed hours (Provision of facilities for making music) Occasional provision of musical instruments or other musical equipments at various times during licensed hours (Dancing) Within the bar and lounge. Occasional dancing by customers to accompany live or recorded provided at various times during licensed hours (Other entertainment facilities) Live amplified karaoke for the entertainment of customers. Facilities or equipment required to support the works of specialist solo or multiple performers at various times during licensed hours Description of facilities provided (Making music) Musical instruments or other musical equipments (Other entertainment facilities) Equipment necessary to facilitate provision of specialist performance works.

The opening hours of the premises

Monday-Sunday: 10:00 - 00:30

Non standard timings:

An additional 30 minutes after the non – standard finish timings for the provision of licensable activities

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve; Boxing Day.

To reflect existing New Year's Eve/Day hours.

Seasonal variations: None

Name, (registered) address of holder of premises licence

**Hafiz Ali
52 West Street
Leominster
Herefordshire
HR6 8EU**

01568 611599

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

Both on and off the premises

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

Not applicable

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

Hafiz Ali

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

The protection of children objective has been considered in the light of the proposed variation
The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.

The proposed variation will promote the protection of children objective in accordance with the section 182 Guidance

The premises will continue to operate in accordance with all relevant legislation which promotes the protection of children objective.

The premises will liaise and co-operate with the Responsible Authorities

A proof of age policy will operate in relation to the relevant licensable activities

A zero tolerance towards illegal drugs will operate at all times

Staff will be trained to observe the measures necessary to promote the protection of children objective.

Non alcoholic drinks will be available

Signage indicating no sales to under 18's

No adult entertainment or services or activities must take place at the premises

(Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Taste of India Hereford Ltd – 52 West Street, Leominster, Herefordshire, HR6 8EU

Dear Licensing

Trading Standards would like to make representations for the above licence review that the WMP have instigated. Please see below.

Trading Standards have considered the reviews very carefully. Whilst they would support the police notion of revoking the licences to ensure the licence objectives are upheld, trading standards have not received any intelligence to have reason to believe children are at risk at this time.

Therefore trading standards have submitted conditions to ensure the further protection of children from harm at all the name premises as above.

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 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.
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.
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.

Kind regards

Trading Standards

Leah Wilson
Trading Standards Officer
Environmental Health and Trading
Standards
Economy, Communities and Corporate
Directorate
Hereford Council
01432 260163
lwilson@herefordshire.gov.uk
lwilson@herefordshire.gcsx.gov.uk

8 St Owens
Street
Hereford
HR12PJ



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From: [Bartlett, Jenny \(Cllr\)](#)
To: [Licensing](#)
Subject: Taste of India Licensing review EB/PR00998
Date: 11 July 2018 15:05:33

Hello Emma,

Following the recent checks carried out at the Taste of India, 53 West Street Leominster I would like to make the following representation as ward member:

I take seriously the need to conduct business in accordance with all relevant legislation. As a result of this investigation there has been a breach resulting in the license review on grounds of crime and disorder which must be addressed, regarding the employment of persons working illegally in the UK in an establishment that sells alcohol and food.

Until now The Taste of India has never been brought to my attention by any authorities or residents regarding illegal activities, anti-social behaviour or trouble from the sale of alcohol and food from this establishment, nor have I ever received any complaints about the quality of the food or the premises itself.

I sincerely hope this is an isolated and not to be repeated incident and will be dealt with in that manner.

Thank you for the opportunity to make this representation.

Regards

Jenny

Cllr Jenny Bartlett MA

Leominster East

Jenny.bartlett@herefordshire.gov.uk

01568 368509

Green Party

From: [Paul Russell](#)
To: [Licensing](#)
Subject: EB/PR00998
Date: 03 July 2018 10:14:15

Dear Licensing,

With regard to the review of the licence relating to the Taste of India under the prevention of crime and disorder, Leominster Town Council requests that consideration be given to suspending the current licence for a period of three months to enable a full review of the issues, implement additional training and support for the relevant staff and ensure that the current issues have been fully addressed.

Regards

Paul

Paul Russell
Town Clerk
Leominster Town Council
11 Corn Square
Leominster
HR6 8YP

Tel: 01568 611734



Meeting:	Licensing sub-committee
Meeting date:	Friday 10 August 2018
Title of report:	Review of a premise licence in respect of 'Summer Palace Oriental Restaurant, 60 Widemarsh Street, Hereford. HR4 9HG – Licensing Act 2003.
Report by:	Licensing technical officer

Classification

Open

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 Summer Palace Oriental Restaurant, 60 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,**
- **The representations (including supporting information) presented by all parties,**
- **The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**

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

- **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: 20 June 2018	28 Days consultation ended 18 July 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) male was found to be working at the premises and in the UK illegally.

Premises History

10. The premises was first licensed in January 2006 under the name Aroon Rai Thai Restaurant.
11. In January 2008, Herefordshire Council received an application to Transfer the licence to Miss Shiau Hoon Low and to Vary the Designated Premises Supervisor (DPS) to Miss Shiau Hoon Low.
12. In March 2008, Herefordshire Council received a request to change the premise name on the licence to Summer Palace Oriental Restaurant.
13. Since January 2008, Miss Shiau Hoon Low has been the licence holder and the DPS. No further applications have been received.

Current Licence

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

Sale/Supply of Alcohol
Late Night Refreshment

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm.
 - (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
 - (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
 - (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
15. The licence is also subject to a number of conditions.

Circumstances leading to the review

16. A pre-planned multi-agency operation took place on Friday 15 June 2018 which involved West Mercia Police, UK Border and Immigration Office, Hereford & Worcester Fire & Rescue Service and departments from Herefordshire Council
17. At 19:30 hrs officers attended the premises known as Summer Palace Oriental Restaurant as a result of intelligence with regards to the employment of illegal immigrants.
18. One male was working at the premises in the kitchen, he was detained at the premises as it was established that he was in the country illegally with no right to work in the UK.
19. The employment of illegal immigrants is a serious criminal offence and undermines the licensing objective of the prevention of crime and disorder.

20. As a result, this review was launched.

Summary of Representations

21. One representation has been received from a responsible authority – Trading Standards (Appendix 3) which has yet to have been agreed.
22. One comment was received from the Councillor for the area that the premises is situated in (Appendix 4).

Community Impact

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

Equality duty

26. There are no equality issues in relation to the content of this report.
27. 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.
28. 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

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

Legal Implications

30. 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.
31. 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.
32. 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: -
34. 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.
35. 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.
36. 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'.
37. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

38. 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

39. 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

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

Appendices

- Appendix 1 - Review Application Form
- Appendix 2 - Current Premise Licence
- Appendix 3 - Trading Standards Representation
- Appendix 4 - Councillor Comment

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 Duncan REYNOLDS

(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 Summer Palace Oriental Restaurant 60 Widemarsh Street	
Post town Hereford	Post code (if known) HR4 9HG
Name of premises licence holder or club holding club premises certificate (if known) Miss Shiau Hoon Law	
Number of premises licence or club premises certificate (if known) PRO998	

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 | <input type="checkbox"/> |

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 Duncan 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

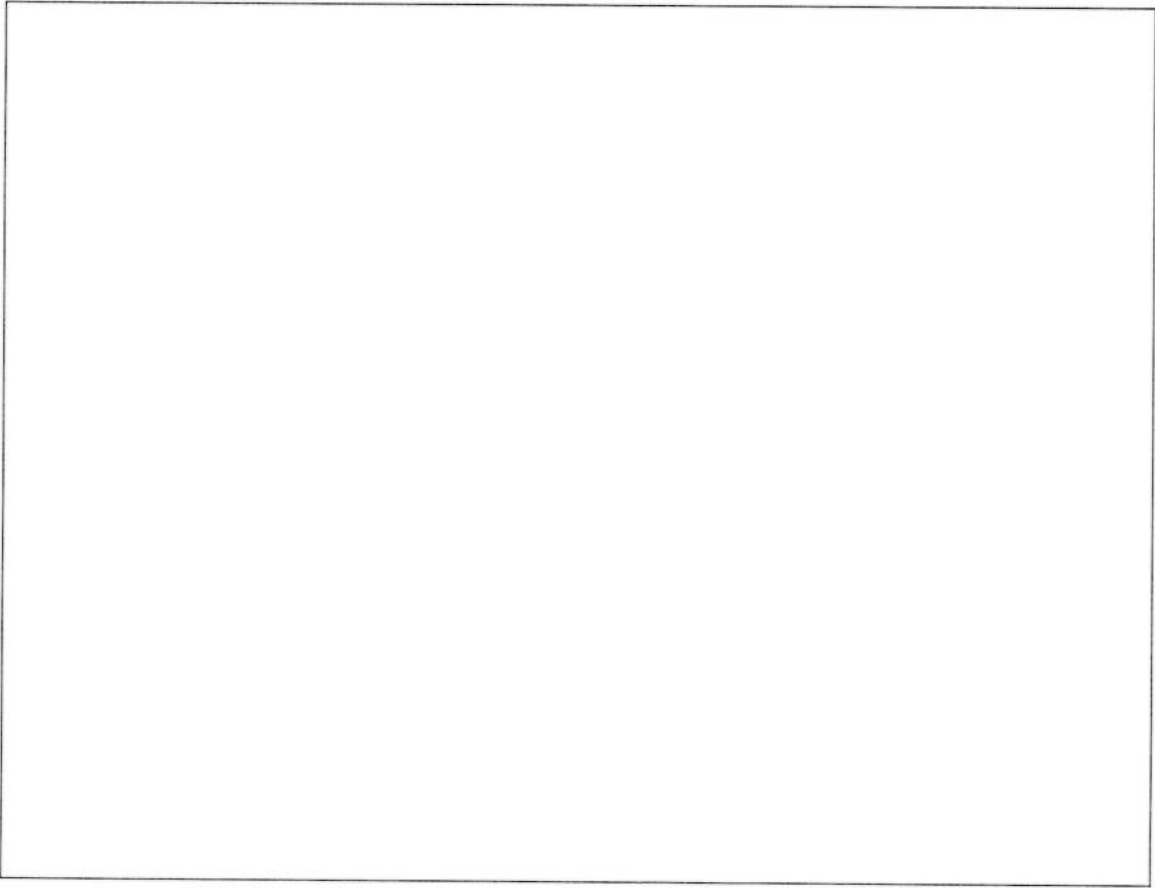
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input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

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

A multi agency operation took place on Friday 15 June 2018.

This premises was visited and one male was detained working in the kitchen area.
This male was in the UK illegally.

The employment of illegal immigrants is a 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) operation took place on Friday 15 June 2018. This operation involved officers from West Mercia Police, the UK Border and Immigration office, Hereford and Worcester Fire and Rescue Service and departments of Herefordshire Council.

At 1930hrs (7.30pm) officers attended the Summer Palace Oriental Restaurant in Widemarsh Street, Hereford.

This visit was intelligence lead with regards to the employment of illegal immigrants.

This premises is licensed for the licensable activities of the sale/supply of alcohol and late night refreshment.

The premises was open to the public.

One male was detained working in the kitchen area, this male had no rights to be in the UK and no right to be employed in the UK.

The employment of illegal immigrants is a criminal offence and is viewed as a serious matter as per the guidance issued under S182 of the Licensing Act 2003.

A civil penalty notice was served on the manager of the premises.

The view of West Mercia Police is that this is a serious matter and as such the premises licence of this premises 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 19 June 2018

.....

Capacity Applicant – responsible authority.

.....

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 PR00998 (Conversion)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description SUMMER PALACE ORIENTAL RESTAURANT 60 WIDEMARSH STREET	
Post town HEREFORD	Postcode HR4 9HG
Telephone number 01432 279971	

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

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Sale by retail of alcohol 2. Late Night Refreshment
--

The times the licence authorises the carrying out of licensable activities <ul style="list-style-type: none"> (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm. (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
--

The opening hours of the premises Plus 30 minutes to the end of the hours shown above.
--

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



Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Miss Shiau Hoon Low
[Redacted]

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
Miss Shiau Hoon Low
[Redacted]

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: Rhondda Cynon Taf CBC

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

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

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

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General:

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
- (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
- i) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Prevention of Crime: Not applicable

Public Safety: Not applicable

Prevention of Public Nuisance: Not applicable

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 PR00998 (Conversion)

Premises details


Postal address of premises, or if none, ordnance survey map reference or description SUMMER PALACE ORIENTAL RESTAURANT 60 WIDEMARSH STREET	
Post town HEREFORD	Post code HR4 9HG
Telephone number 01432 279971	

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

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Sale by retail of alcohol 2. Late Night Refreshment
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--

The opening hours of the premises Plus 30 minutes to the end of the hours shown above.
--

Name, (registered) address of holder of premises licence Miss Shiau Hoon Low 



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

On the premises

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

Miss Shiau Hoon Low

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

Licensing Conditions: Not applicable

Licensing Objectives: Not applicable

Summer Palace – 60 Widemarsh Street, Hereford, Herefordshire, HR49HG.

Dear Licensing

Trading Standards would like to make representations for the above licence review that the WMP have instigated. Please see below.

Trading Standards have considered the reviews very carefully. Whilst they would support the police notion of revoking the licences to ensure the licence objectives are upheld, trading standards have not received any intelligence to have reason to believe children are at risk at this time.

Therefore trading standards have submitted conditions to ensure the further protection of children from harm at all the name premises as above.

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 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.
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.
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.

Kind regards

Trading Standards

Leah Wilson
Trading Standards Officer
Environmental Health and Trading
Standards
Economy, Communities and Corporate
Directorate
Hereford Council
01432 260163
lwilson@herefordshire.gov.uk
lwilson@herefordshire.gcsx.gov.uk

8 St Owens
Street
Hereford
HR12PJ



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From: [Andrews, Polly \(Cllr\)](#)
To: [Licensing](#)
Subject: RE: Memo to RA's, App to Review a Premise Licence - Summer Palace
Date: 20 June 2018 19:19:12
Attachments: [image001.png](#)

I have had no complaints about this establishment.

From: Licensing
Sent: 20 June 2018 14:59
To: Andrews, Polly (Cllr) <paandrews@herefordshire.gov.uk>
Subject: RE: Memo to RA's, App to Review a Premise Licence - Summer Palace

Hi all

Please see attached memo for a Review a Premise Licence - Summer Palace

Please respond to licensing@herefordshire.gov.uk if you have any comments/rep

Thanks
Emma

Licensing Section
Herefordshire Council
Tel: 01432 261761
Fax: 01432 261982
Email: licensing@herefordshire.gov.uk
Post: Licensing Section, 8 St. Owens Street, Hereford, HR1 2PJ



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

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