

Minutes of the meeting of Licensing sub-committee held at Council Chamber, Town Hall, St Owen Street, Hereford on Thursday 20 June 2019 at 10.00 am

Present: Councillor Alan Seldon (chairperson)

Councillors: Paul Andrews and Elizabeth Foxton

Officers: Fred Spriggs

27. APOLOGIES FOR ABSENCE

No apologies for absence were received.

28. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made.

30. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG'- LICENSING ACT 2003

Members of the licensing sub committee of the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

It was noted that the applicant was not present.

Fred Spriggs, Licensing Officer, presented the report. Mr Spriggs reported that copies of the papers had been sent via email and first class post to the agent and by first class post to the applicant.

The sub committee agreed unanimously to hear the application in the absence of the applicant or their agent as this matter had been deferred from the licensing sub committee held on 7 June 2019.

In accordance with the principles of the paragraph 7 of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A Local Government Act 1972, as amended, the sub committee agreed to exclude the press and public. As trading standards and West Mercia Police had confidential information to provide to the sub committee, those representatives remained in the room.

In summary, Trading Standards outlined the following in relation to their representation:

- They were relying on evidence from Sandwell Council.
- The applicant operated two shops in Sandwell which were found to be selling illegal tobacco.
- Test purchases in both the shops at Sandwell had taken place and illegal tobacco had been found.
- The applicant had a history of selling illegal tobacco.
- To grant the licence would undermine the licensing objectives, in particular the crime and disorder objective.

In summary, West Mercia Police outlined their representation as follows:

- The premises were located near to a primary school and had never been licensed.
- The door and the window frontage was currently obscured.
- There had been no contact from the applicant following the representation by the police.
- There was an ongoing criminal investigation by Sandwell.
- To grant the licence would undermine the licensing objectives.
- The Section 182 guidance stated that the sale of illegal tobacco was considered to be a serious crime.
- If the sub committee were minded to grant the licence, then the police would be proposing a series of conditions which included that the window frontage be completely clear and transparent.

DECISION

The sub committee's decision is to refuse the application.

REASONS

The sub committee had carefully considered the evidence from trading standards and West Mercia Police. The sub committee had considered whether any conditions proposed by the police would enable the licence to be granted, but the overwhelming evidence provided indicated that the crime and disorder and protection of children from harm licensing objectives would be undermined.

31. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF ISTANBUL FOOD, GROUND FLOOR, 8 BELMONT ROAD, HEREFORD. HR2 7JE'- LICENSING ACT 2003

The application in respect of Istanbul Food had been withdrawn from the agenda prior to the meeting.

Chairperson