

# Agenda

## Licensing sub-committee

Date: **Thursday 20 June 2019**

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Time: **10.00 am**

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Place: **Council Chamber, Town Hall, St Owen Street,  
Hereford**

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

For any further information please contact:

**Caroline Marshall, Democratic Services**

Tel: 01432 260249

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

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

# **Agenda for the Meeting of the Licensing sub-committee**

**Membership**

**Councillor Alan Seldon**

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG'- LICENSING ACT 2003</b> To consider an application for the grant of a premise licence in respect of Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG.	11 - 58
<b>5. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF ISTANBUL FOOD, GROUND FLOOR, 8 BELMONT ROAD, HEREFORD. HR2 7JE'- LICENSING ACT 2003</b> Application for a grant of a premises licence in respect of 'Istanbul Food, Ground Floor, 8 Belmont Road, Hereford. HR2 7JE- Licensing Act 2003.	59 - 88



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

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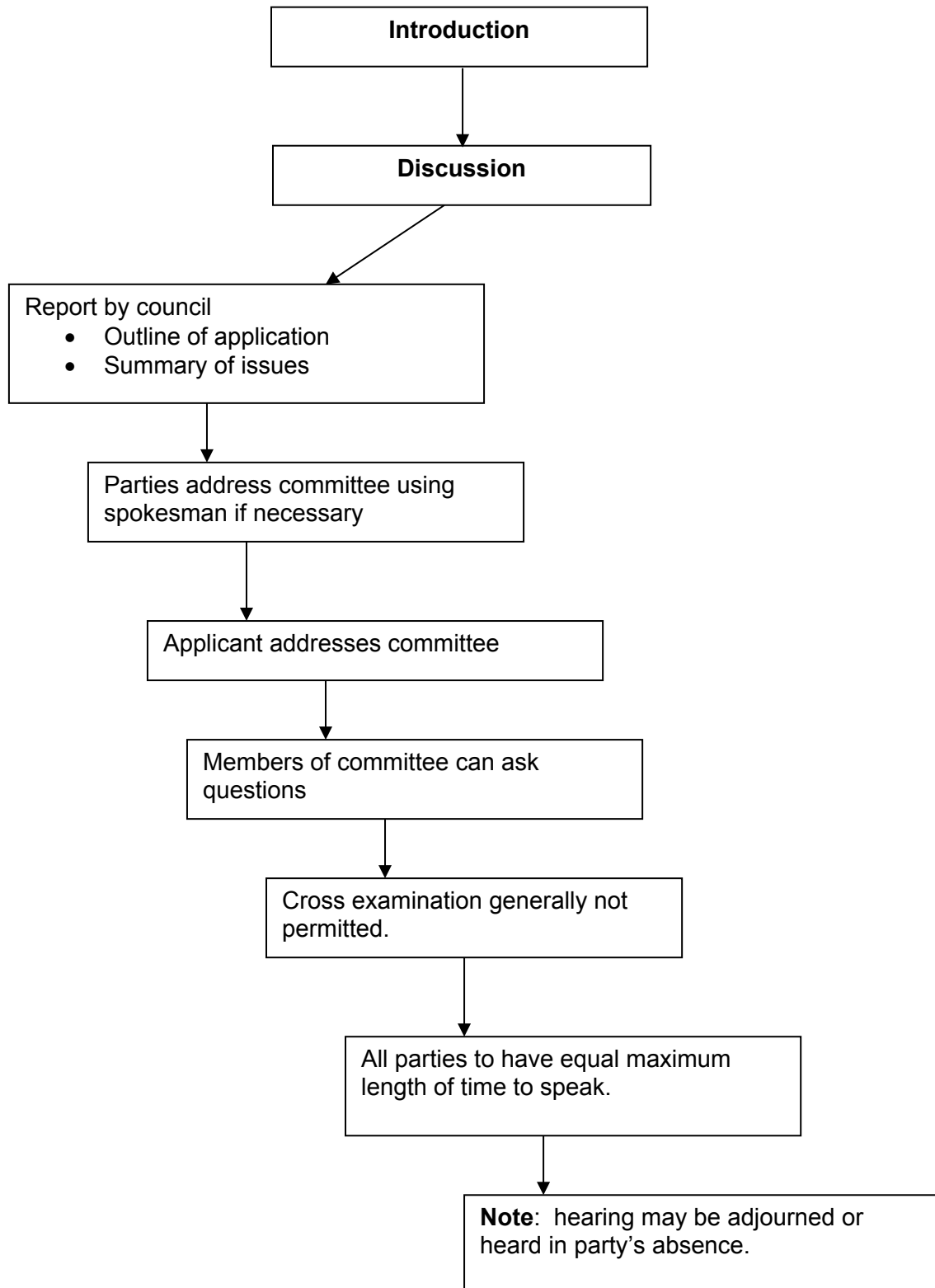
Please do not allow any items of clothing, etc. to obstruct any of the exits.

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





## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>20 June 2019</b>
<b>Title of report:</b>	<b>Application for a grant of a premises licence in respect of ‘Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG’ – Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open – the report and appendices 1, 2 and 4.

Appendix 3 is exempt following the principles in paragraph 7 of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A Local Government Act 1972, as amended.

## Key Decision

This is not an executive decision.

## Wards Affected

Widemarsh

## Purpose

To consider an application for the grant of a premise licence in respect of Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG.

## 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 options open to the sub-committee:
  - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
  - b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
  - c) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - d) To refuse to specify a person in the licence as the premise supervisor, or
  - e) To reject the application.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### Licence Application

3. The application for the grant of a premises licence has received relevant representations and is brought before the sub-committee for determination.
4. The details of the application are:

Applicant	Barzan Shekzade	
Agent	Patrick Burke of PMB Licensing	
Type of application: Grant	Date received: 23 March 2019	28 Days consultation ended 19 April 2019

### Summary of Application

5. The application (appendix 1) requests the grant of a premises licence to allow the following licensable activities, during the hours shown, as follows:

Sale/Supply of Alcohol (consumption off the premises)  
Monday – Sunday 07:00 – 24:00

6. This application was brought before committee on Friday 7<sup>th</sup> June 2019. The matter was adjourned to today's date as neither the applicant or the applicant's agent attended on 7<sup>th</sup> June 2019.

### **Summary of Representations**

- 7 Two (2) representations have been received from the responsible authorities (Trading Standards and West Mercia Police). The representations are outright objections to the application. The trading standards representations can be found at appendix 2 and 3 (appendix 3 is exempt). The police representation can be found at appendix 4.

### **Community Impact**

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

### **Equality duty**

9. There are no equality issues in relation to the content of this report.
10. 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.
11. 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**

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

### **Legal Implications**

13. As relevant representations have been received, the sub-committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
14. 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.

15. The sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
16. 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.

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.

17. 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.
18. 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'.

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

## Right of Appeal

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

*Decision to grant premises licence or impose conditions etc.*

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
  - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
  - (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

21. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

## **Risk Management**

22. 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**

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

## **Appendices**

Appendix 1 - Application form

Appendix 2 – Trading Standards representation

Appendix 3 – Exempt Trading Standards representation

Appendix 4 – West Mercia Police representation

## **Background Papers**

None.





PRO 1853  
23/3/19 - 19/4/19

RECEIVED

Herefordshire  
Application for a premises licence  
Licensing Act 2003

21 MAR 2019

BY:

For help contact  
[licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
Telephone: 01432 261761

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Barzan

\* Family name

Shekzade

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

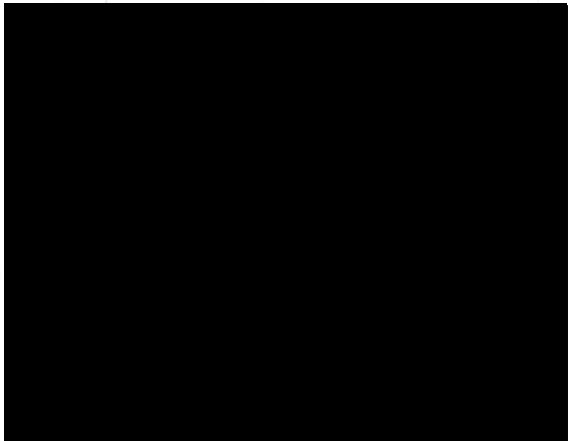
- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

- \* Building number or name
- \* Street
- District
- \* City or town
- County or administrative area
- \* Postcode
- \* Country



**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?  Yes  No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="The Clock House"/>
Street	<input type="text" value="361 High St"/>
District	<input type="text"/>
City or town	<input type="text" value="West Bromwich"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B70 9QG"/>
Country	<input type="text" value="United Kingdom"/>

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="Razi Mini Market"/>
Street	<input type="text" value="100 Widermarsh St"/>
District	<input type="text"/>
City or town	<input type="text" value="Hereford"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="HR4 9HG"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text" value="07779351620"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,300"/>

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

#### Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Barzan

Family name

Shekzade

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail

pmblicensing@yahoo.com

Telephone number

07779351620

Other telephone number

\* Date of birth

dd mm yyyy

\* Nationality

Iran

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Right to work share code

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?

18 / 04 / 2019  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end?

/ /  
dd mm yyyy

Provide a general description of the premises

**Continued from previous page...**

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

We wish to open as a general store and sell alcohol alongside the other products available

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth



Continued from previous page...

**Enter the contact's address**

Building number or name

Street

District

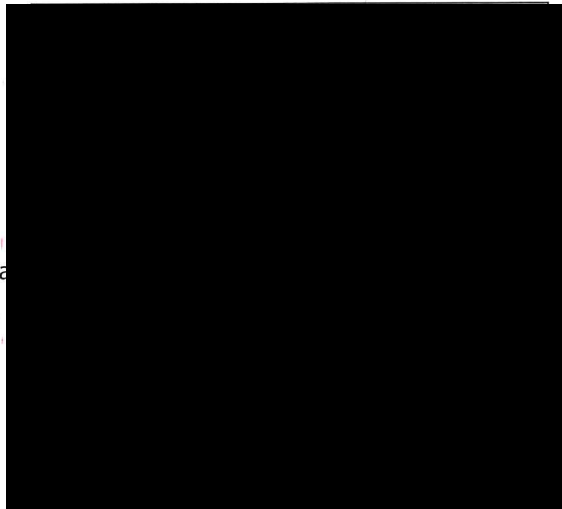
City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)



Issuing licensing authority  
(if known)

Birmingham City Council

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

- All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.
  - Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.
  - Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises, and made available to officers from Trading Standards, the Police or HMRC, upon request
  - A stock control system will be maintained, to enable the licensee and designated premises supervisor to quickly identify where and when alcoholic and tobacco product have been purchased
  - If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Hereford Council trading Standard as soon as possible.
  - If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Hereford Council Trading Standards and HMRC as soon as possible.
- Protecting Children from Harm

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.
3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.
4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
5. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
6. All CCTV images will be retained for a period of not less than 31 day
7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.
8. All persons involved in the sale of alcohol ,who are not presonal licence holders, will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
9. At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.
10. A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.
11. These should be individual entries covering short periods of time only and should not exceed more than a three week period.
12. The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

c) Public safety

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES

*Continued from previous page...*

d) The prevention of public nuisance

A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

All staff ,WHO ARE NOT PERSONAL LICENSE HOLDERS ,working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

e) The protection of children from harm

we will operate challenge 25 policy

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

**Continued from previous page...**

\* I/we understand 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.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

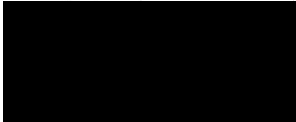
**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

**Consent of individual to being specified as premises supervisor**

I Barzan Shekzade



hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premise License

By Barzan Shekzade

relating to a premises licence TBA

for

Razi Mini Market

100 Widermarsh Street

Hereford

HR4 9HG

and any premises licence to be granted or varied in respect of this application made by

Barzan Shekzade

concerning the supply of alcohol at

Razi Mini Market

100 Widermarsh Street

Hereford

HR4 9HG

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number



Personal licence issuing authority

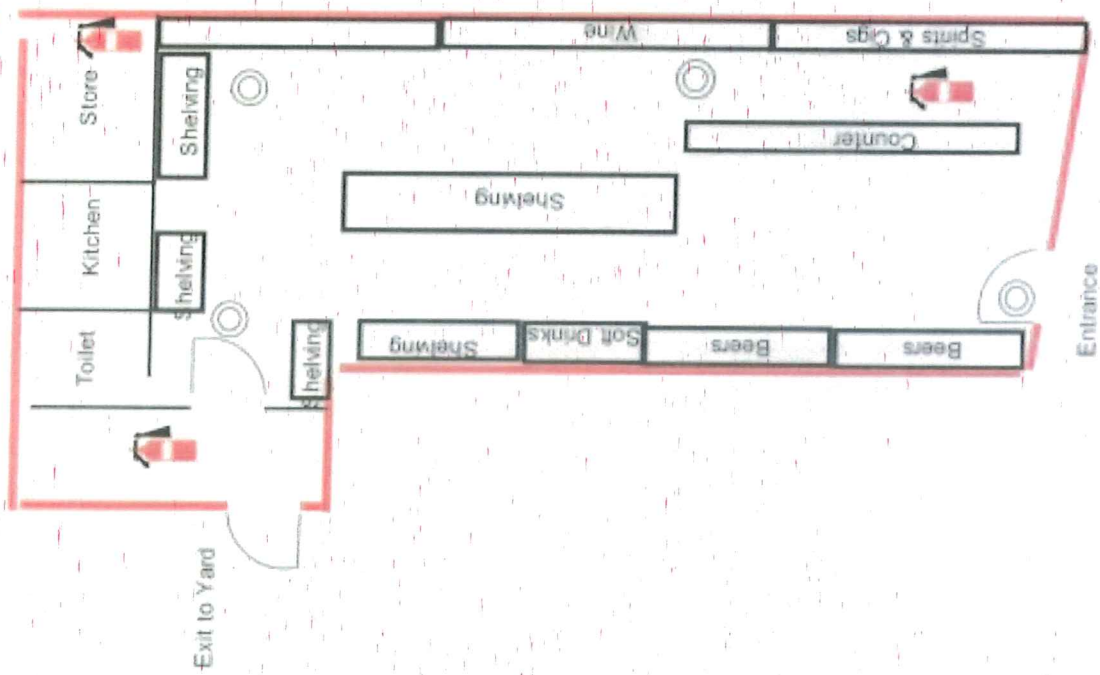
Birmingham City Council

Signed



Name Barzan Shekzade

Date 13/03/19



Razi Mini Market  
 100 Widemarsh Street  
 Hereford  
 HR4 9HG  
 Scale 1:100

— Licensable Activities  
 Fire Extinguisher - powder  
 CCTV



# MEMORANDUM

To : **RESPONSIBLE AUTHORITIES**  
 From : **LICENSING ASSISTANT**

Tel : **01432 261761**

My Ref : **SE/PR01853**

Date : **17<sup>th</sup> April 2019**

Your Ref :

**LICENSING ACT 2003  
 APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE  
 RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD  
 HR4 9HG**

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

<b>Representation</b>	<b>Industry Guidance</b>
<p><b>PREVENTION OF CRIME &amp; DISORDER</b></p> <p>As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of Barzan Shekzade's application and wish to make a representation.</p> <p>Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of the licensing objectives.</p> <p>After having considered this application and associated evidence, Trading Standards <b>OBJECT</b> to this premises being granted a premises licence to sell or supply alcohol.</p> <p>It has been brought to our attention that the applicant Barzan Shekzade has a history of being involved in the sale and supply of illicit tobacco from shops he owns in the Sandwell area (premises license applicant of KNN Mini Market (shop 1) and premises licence holder of Gud Prajs (shop 2)).</p> <p>The evidence shows that we have reason to believe that Barzan Shekzade is not a fit and proper person to hold a premises licence or to uphold the licensing objectives, namely prevention of crime and disorder.</p> <p>On 19 January 2019, Sandwell Trading Standards objected to a premises licence application submitted by Patrick Burke acting as an agent for Barzan Shekzade. This objection is attached as exhibit LW1.</p> <p>Details:</p> <p>26.09.18 – Test purchase of counterfeit Golden Virginia hand rolling tobacco for £3.50 (A photo of the transaction shows Barzan Shekzade as the seller).</p> <p>16.01.19 – 329 packets of illegal tobacco found in concealed box behind counter and in a sports bag concealed on the top of a chiller unit. Criminal investigation is ongoing (shop 1) (Barzan Shekzade was present during the raid).</p>	

16.01.19 – Trading standard officer test purchased counterfeit Richmond cigarettes for £10 (shop 2).

04.01.19 – Trading standards officer test purchased 2 packs of counterfeit Richmond cigarettes for £6 (shop 1).

04.01.19 – Trading standards officer test purchased 2 packs of counterfeit Richmond cigarettes for £6 (shop 2).

This shows Barzan Shekzade is heavily involved with illegal tobacco. Further to the applicant receiving the representation (objection) by Sandwell Trading Standards, Patrick Burke withdrew the premises licence application. Therefore he is fully aware his client is heavily involved in the illegal tobacco trade.

Herefordshire Trading Standards therefore would request that no licence be granted for the named premises due to the evidence put forward and the on-going criminal investigation by Sandwell Trading Standards.

Kind regards

**Herefordshire.gov.uk**

---

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

8 St Owens Street  
Hereford  
HR12PJ



Please consider the environment - Do you really need to print this E-Mail?

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PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE	
PROTECTION OF CHILDREN FROM HARM	

**REFERENCES**

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

**OFFICER  
POSITION  
AUTHORITY**

**Licensing Act 2003**

**Representation form from interested parties**

Are you a (tick as appropriate):

<b>Responsible authority:</b>	
Police	
Fire	
Environmental health	
Child protection	
Trading standards	X
Planning authority	

Or a

Resident or business operating in the vicinity of premises	
------------------------------------------------------------	--

Your name/organisation name/name of body you represent (see note 3)	Christopher Coxon Trading Standards Officer
Organisation name/name of body you represent (if appropriate) (see note 3)	Sandwell MBC Trading Standards Service
Postal and email address	4 <sup>th</sup> Floor Court House 335 - 337 High Street West Bromwich B70 8LU  chris_coxon@sandwell.gov.uk

Contact telephone number	0121 569 6573
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Name of premises you are making a representation about	KNN Mini Market
--------------------------------------------------------	-----------------

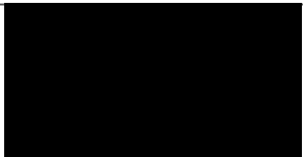
Address of the premises you are making a representation about	91 Waterloo Road Smethwick B66 4JS
---------------------------------------------------------------	------------------------------------------

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or no	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	See separate sheets
Public safety	No	
To prevent public nuisance	No	
To protect children from harm	No	

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account	Sandwell Trading Standards request that the Licensing Committee refuse to grant a premise licence.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

Signed:



Date: 16/01/2019

Notes

Date: 16<sup>th</sup> January 2019

To: The Licensing Committee

From: Christopher Coxon – Sandwell Trading Standards

Subject: **APPLICATION FOR PREMISES LICENCE – KNN Mini Market, 91 Waterloo Road, Smethwick, B66 4JS**

.....  
I am writing on behalf of Sandwell Trading Standards, a responsible authority as listed under section 13(4) of the Licensing Act 2003, and I wish to make representations in respect of an application for a premises licence at 91 Waterloo Road, Smethwick, B66 4JS. This representation is made regarding the licensing objective - the prevention of crime.

It is of great concern to Trading Standards that this premise is involved in the sale and supply of illicit tobacco therefore undermining the prevention of crime objective. The history is as follows:

1. On 16<sup>th</sup> January 2019, Trading Standards visited the premises and found 329 packets of illegal tobacco (321 cigarettes and 8 hand rolling tobacco) in a box concealed behind the counter and a sports bag concealed on top of a chiller unit. The licence applicant, Barzan SHEKZADE, was present at the time. Paperwork was found behind the counter that indicated the amounts of illegal tobacco brands sold. Before the seizure was made, the applicant stated that he had used to sell illegal tobacco from the shop, but stopped doing so after he was arrested by the police, when stolen tobacco was found on the premises. During the course of the visit the applicant lied to officers about the whereabouts of the CCTV and initially stated that the CCTV recorder had been taken by the police, when in fact it was still on the premises and was presumably recording the sales of illegal tobacco. The CCTV will be sent away for forensic examination. A criminal investigation by Trading Standards is ongoing.
2. On 16<sup>th</sup> January 2019, an undercover Trading Standards Officer was sold 3 packs of counterfeit Richmond cigarettes for £10, from a licensed premise called Gud Prajs, Unit 7, 183 Great Bridge Street, West Bromwich, where the applicant is both the premise licence holder and designated premises supervisor.
3. On 4<sup>th</sup> January 2019, an undercover Trading Standards Officer was sold 2 packs of counterfeit Richmond cigarettes for £6 from KNN Mini Market.


4. On 4<sup>th</sup> January 2019, an undercover Trading Standards Officer was sold 2 packs of counterfeit Richmond cigarettes from Gud Prajs, Unit 7, 183 Great Bridge Street, West Bromwich.
5. On 26<sup>th</sup> September 2018, a test purchase was carried out on behalf of trading standards at KNN Mini Market. A pouch of counterfeit Golden Virginia hand rolling tobacco was sold for £3.50. The product was retrieved from under the counter. A photograph of the transaction shows that the applicant to be the seller.
6. Limited Information was received from the police that suggested that a shop on the corner of a road in Smethwick was selling illegal tobacco. Analysis of this information tended to suggest that the shop in question may be KNN Mini Market and so it was included in a planned test purchasing operation.

Illegal tobacco, commonly referred to as illicit tobacco consists of cigarettes and hand rolling tobacco (HRT), that are either counterfeit, fail to comply with the standardised packaging regulations or fail to display the prescribed safety warning markings. Criminal offences are committed under the Trade Marks Act 1994, The Tobacco and Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015.

The sale of illegal tobacco is having a very serious impact on the local economy. Legitimate retailers are struggling to compete with the dishonest traders who operate within the shadow economy. These dishonest traders are making large profits by selling cheap counterfeit products, or evading duty on genuine products. Using the Intelligence Operating Model, the sale and supply of illicit tobacco has been identified as one of Sandwell Trading Standards main priorities to tackle.

Trading Standards believe the applicant is involved in the systematic supply of illegal tobacco in Sandwell. Based on the above, I would kindly ask that this application for a premises licence is rejected by the panel.

Regards

  
Christopher Coxon  
Senior Trading Standards Officer (On behalf of Sandwell Trading Standards)



Document is Restricted





**From:** [Mooney James](#)  
**To:** [Licensing](#)  
**Cc:** [Reynolds Duncan](#)  
**Subject:** Razi Mini Market, 100 Widemarsh Street, Hereford - premises licence application  
**Date:** 12 April 2019 11:13:16

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### NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a premises called **Razi Mini Market, 100 Widemarsh Street, Hereford**. This application is for the sale/supply of alcohol.

The applicant seeks to specify the designated premises supervisor as Barzan Shekzade.

West Mercia Police OBJECT to this application on the grounds that to grant it will undermine the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

West Mercia Police are in receipt of information with regards to the applicant (who is also the proposed designated premises supervisor) that is of a nature that in our opinion raises concern over his (their) suitability to hold a premises licence.

At this time West Mercia Police will not disclose this information and would disclose sufficient if this matter was to progress to a licensing hearing.

Regards

**Jim Mooney - on behalf of Ps 3456 Reynolds**

Harm Reduction/Community Safety Dept.,

Harm Reduction Coordinator,

Herefordshire Policing Area

West Mercia Police.

DDI 01432 347102

Switchboard '101' x 4702

[james.mooney@westmercia.pnn.police.uk](mailto:james.mooney@westmercia.pnn.police.uk)

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

[#destinationHereford](#)

[www.westmercia.police.uk/maketherightcall](http://www.westmercia.police.uk/maketherightcall)

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





<b>Meeting:</b>	<b>Licensing sub-committee</b>
<b>Meeting date:</b>	<b>20 June 2019</b>
<b>Title of report:</b>	<b>Application for a grant of a premises licence in respect of ‘Istanbul Food, Ground Floor, 8 Belmont Road, Hereford. HR2 7JE’– Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing Technical Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Hinton & Hunderton

## Purpose

To consider an application for a grant of a premise licence in respect of Istanbul Food, Ground Floor, 8 Belmont Road, Hereford. HR2 7JE

## 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 options open to the sub-committee:

- a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

## Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### Licence Application

- 3. The application for a grant of the premises licence has received relevant representations and is brought before the sub committee for determination.
- 4. The details of the application are:

Applicant	Miss Klaudia Paluszak	
Agent	Mr Anthony Clarke, Secure Licences, 540 Antrim Road, Belfast. BT15 5GJ	
Type of application:	Date received:	28 Days consultation ended
Grant	24 <sup>th</sup> April 2019	22 <sup>nd</sup> May 2019

### 5. Summary of Application

The application (appendix 1) requests to grant a premises licence to allow the following licensable activities, during the hours shown, as follows:

Sale/Supply of Alcohol (consumption off the premises)  
Monday – Sunday 07:00 – 23:00

### 6. Summary of Representations

Two (2) representations have been received from the responsible authorities (Trading Standards and West Mercia Police). The representations are outright objections to the application. These can be found at appendix 2 and 3 respectively.

## **Community Impact**

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

## **Equality duty**

8. There are no equality issues in relation to the content of this report.
9. 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.
10. 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**

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

## **Legal Implications**

12. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
13. 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.
14. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
15. 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.

In this case it was summed up that: -

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A licensing authority must have regard to guidance issued by the Secretary of State

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

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.

16. 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.
17. 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'.

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

## Right of Appeal

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

*Decision to grant premises licence or impose conditions etc.*

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
  - (2) The holder of the licence may appeal against any decision—
    - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
    - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
  - (3) Where a person who made relevant representations in relation to the application desires to contend—
    - (a) that the licence ought not to have been granted, or
    - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
  - (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).
20. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

## Risk Management

21. 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**

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

## **Appendices**

Appendix 1 - Application Form

Appendix 2 – Trading Standards Representation

Appendix 3 – West Mercia Police Representation

## **Background Papers**

None.

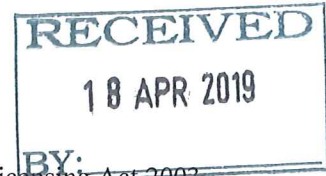




25/4/19 - 22/5/19

Appendix 1

PRO1860



Application for a premises licence to be granted 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/We Miss Klaudia Paluszak

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description Istanbul Food Ground floor 8 Belmont Road			
<b>Post town</b>	HEREFORD	<b>Postcode</b>	HR2 7JE

Telephone number at premises (if any)	07428 063 064
Non-domestic rateable value of premises	£4650 & £6000

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>PALUSZAK</b>			First names <b>KLAUDIA</b>		
Date of birth: [REDACTED]		I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes
Nationality: [REDACTED]					
Current residential address if different from premises address			[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number			[REDACTED]		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					

<b>E-mail address (optional)</b>	
----------------------------------	--

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? **17.05.2019**

DD	MM	YYY
1	7	052019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

**Supermarket situated on a main road in a commercial area**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J) **X**

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					



E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Tue						
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Wed						
Thur						
Fri						
Sat						
Sun						

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	07.00	23.00						
Tue	07.00	23.00						
Wed	07.00	23.00						
Thur	07.00	23.00						
Fri	07.00	23.00						
Sat	07.00	23.00						
Sun	07.00	23.00						
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Miss Klaudia Paluszak	
Date of birth: [REDACTED]	
Address:- [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) <b>HEREFORDSHIRE COUNCIL</b>	

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07.00		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
		23.00	
Tue	07.00		
		23.00	
Wed	07.00		
		23.00	
Thur	07.00		
		23.00	
Fri	07.00		
		23.00	
Sat	07.00		
		23.00	
Sun	07.00		
		23.00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

- 1: A tamper-proof digital colour CCTV system will be installed and maintained at the premises.
- 2: The system will run and record continuously for 24 hours a day, 7 days per week and recorded footage will be stored for a minimum of 28 days.
- 3: The system will provide a clear head and shoulders view to an evidential quality on the customer entry.
- 4: Recorded footage will be provided to a representative of any responsible authority on request.
- 5: Such footage will be provided in an immediately viewable format and will include any software etc. which is required to view the footage.
- 6: Any discs, portable drives or other storage media onto which footage is transferred will be provided by the premises and sufficient stock of such storage media will be kept on the premises at all times.
- 7: The Designated Premises Supervisor will ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check will include the
  - a) the cameras are in operation
  - b) the hard drive is in working order
  - c) the downloading and recordings are working
  - d) and the accuracy of the time & date.
- 8: A written record of these checks will be kept, including a signature of the person carrying out the check. This written record will be kept on the premises at all times and made available to a representative of any responsible authority on request.
- 9: The premises are secured with roller shutters at the front when closed with security doors at the rear.

**Purchasing records to be kept**

10: All purchases of alcohol and tobacco products will be made from reputable wholesalers and all purchases will be recorded. These records will be made available on request to the police or authorised officer

**b) The prevention of crime and disorder**

- 11: Spirits of high ABV will be sold behind the counter.
- 12: When the DPS is not on duty a contact telephone number will be available at all times.

**Incident Book**

13: An incident book will be kept on the premises and be made available for inspection by responsible authorities. The incident book will be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any other crime or criminal activity on the premises
- (iii) Any refusal to serve alcohol to persons who are drunk
- (iv) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18



- (v) Any call for police assistance to the premises
- (vi) Any ejection from the premises
- (vii) Any first aid/other care given to a customer

**Refusals Book**

13: A refusals book will be kept at the premises and will be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage will be recorded. The details to be recorded will be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book will be made available for inspection by responsible authorities on request.

**c) Public safety**

No risk has been assessed under the Licensing Act 2003

**d) The prevention of public nuisance**

14: The Management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

**e) The protection of children from harm**

15: A "Challenge 25" policy shall be operated at the premises at all times.

16: The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved using the Home Office guidelines

17: Signage for "Challenge 25" scheme shall be displayed at the premises.

18: A documented training programme shall be introduced for all staff in a position to sell and serve alcohol. The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included

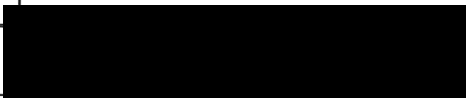
documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

**It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.**

**It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.**


**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	15 <sup>th</sup> April 2019
Capacity	Agent on behalf of the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) <b>Anthony Clarke</b> <b>Secure Licences</b> <b>540 Antrim Road</b>			
Post town	<b>Belfast</b>	Postcode	<b>BT15 5GJ</b>
Telephone number (if any)			

Consent of individual to being specified as premises supervisor

I, *[name of prospective premises supervisor]* Miss Klaudia Paluszak

*[home address of prospective supervisor]*

of:

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New premises Licence under s17 of the Licensing Act 2003

*[type of application]*

by

*[name of applicant]*

Miss Klaudia Paluszak

relating to a premises licence

TBA

*[number of existing licence, if any]*

for

*[name and address of premises to which the application relates]*

Istanbul Restaurant, Ground floor, 8 Belmont Road, Hereford, HR2 7JE

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Miss Klaudia Paluszak

*[name of applicant]*

concerning the supply of alcohol at

Istanbul Restaurant, Ground floor, 8 Belmont Road, Hereford, HR2 7JE

*[name and address of premises to which application relates]*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

*[insert personal licence number, if any]*

Personal licence issuing authority

Herefordshire Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

Miss Klaudia Paluszak

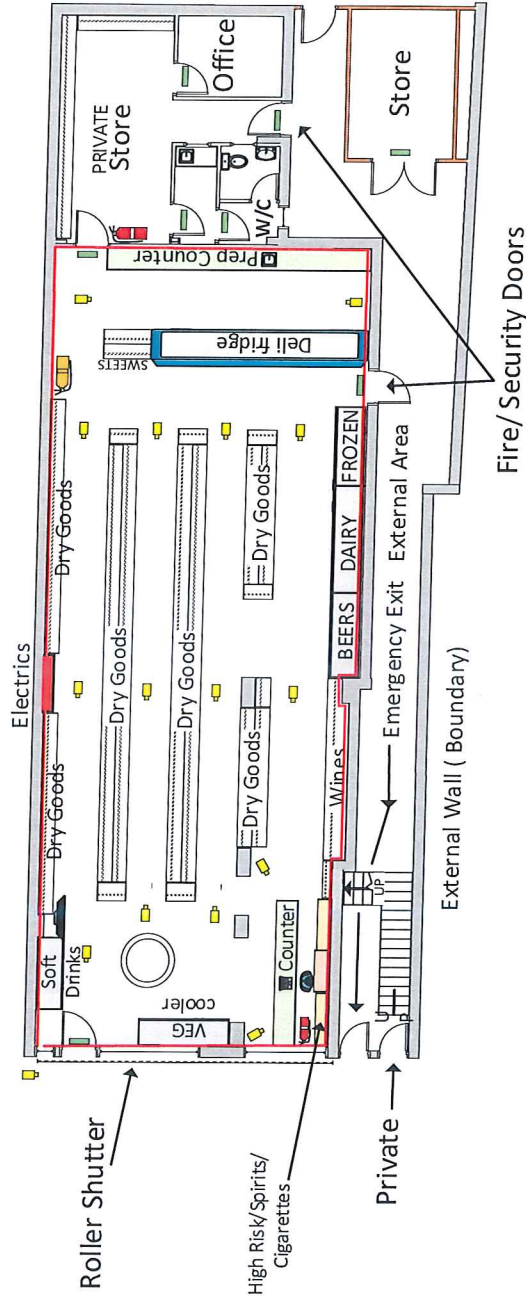
Name *(please print)*

Date

15<sup>th</sup> April 2019

LEGEND	
Fire Exit	
Camera	
Fire Ext Water	
Monitor	
Fire Ext Powder	

— Licensable Area



<b>Drawing Purpose</b>	<b>PREMISES LICENCE APPLICATION</b>	<b>Name of Premises</b>	<b>ISTANBUL FOOD</b>	<b>Premises Address</b>	<b>Ground Floor 8 BELMONT ROAD HEREFORD HR2 7JE</b>	<b>SCALE</b>	<b>A3 1:200 A4 1:100</b>
<b>Drawing Details</b>	<p>The purpose of this drawing is for the submission of a change of use consent.          All Measurements have been drawn in millimetres.          This drawing is not to be used for the intention of any building, shop fitting or construction purposes.</p>						

April 24, 2019

**From:** [Wilson, Leah](#)  
**To:** [Licensing](#)  
**Cc:** [Mooney, James \(james.mooney@westmercia.pnn.police.uk\)](#)  
**Subject:** Istanbul Food - 8 Belmont Road, Hereford  
**Date:** 22 May 2019 16:18:20  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Licensing

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of your client's application for a premises licence for Istanbul Food 8 Belmont Road, Hereford, Herefordshire HR2 7JS.

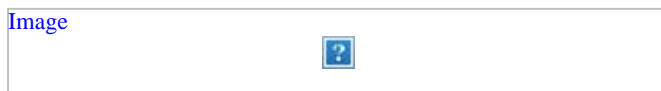
Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sale and supply of alcohol.

Trading standards are objecting to this application based up on insufficient evidence to support the licensing objectives. There is no sub let agreement in place and no paperwork to prove legal ownership of the business.

If this evidence had materialised then Trading Standards would have sought to include conditions on the premises licence to promote the licensing objectives. However I have been advised by the agent that the lease will not be sublet to the applicant until which time the applicant has secured a premises licence. Therefore trading standards are concerned that the lease holder is still in legal control of this business and not the proposed DPS. Further information can be provided on request to support Trading Standard's position.

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](mailto:lwilson@herefordshire.gov.uk)  
[lwilson@herefordshire.gcsx.gov.uk](mailto:lwilson@herefordshire.gcsx.gov.uk)

8 St Owens Street  
Hereford  
HR12PJ



**Please consider the environment - Do you really need to print this E-Mail?**

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**From:** [Mooney.James](#)  
**To:** [Licensing](#)  
**Cc:** [Reynolds.Duncan](#)  
**Subject:** Istanbul Food, Belmont Road, Hereford - premises licence application.  
**Date:** 21 May 2019 10:46:35

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### NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a premises to be known as **Istanbul Food, 8 Belmont Road, Hereford**. The application is for the licensable activities of the sale/supply of alcohol. The applicant seeks to specify the designated premises supervisor as Klaudia Paluszak.

West Mercia Police OBJECT to the application on the grounds to grant it will undermine the licensing objectives - in particular that of the prevention of crime and disorder.

West Mercia Police have established that the lease to the premises is the name of a person who is not the applicant. A meeting has been held with the applicant with regards to this persons role in the application and the business and in order to establish whether the applicant has a controlling interest in the business. Whilst the applicant has explained that she is sub-leasing the premises from the current lease holder, she has been unable to provide supporting paperwork or information how she intends to fund the business. Therefore the Police are concerned is that the applicant is a 'front' for others who are involved in criminal behaviour.

Further information will be provided to support the Police objection if this matter progresses to a licensing hearing.

Regards

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

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

