

Agenda

Licensing sub-committee

Date: **Tuesday 30 June 2020**

Time: **10.30 am**

Place: **Online Meeting only**

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

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 in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon (Chairperson)
Councillor Paul Andrews
Councillor John Hardwick
Councillor Tony Johnson

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST To receive 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.	
4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: I.R.I LTD T/A EUROPE, 24 EIGN GATE, HEREFORD. HR4 0AB' LAUNCHED BY HEREFORDSHIRE COUNCIL TRADING STANDARDS - LICENSING ACT 2003 To consider an application for a review of a premises licence in respect of: I.R.I Ltd, T/A Europe, 24 Eign Gate, Hereford. HR4 0AB.	9 - 34

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- Inspect agenda and public reports at least five clear days before the date of the meeting via the website.
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the council have delegated decision making to their officers identifying the officers concerned by title.
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Licensing Hearing Flowchart





Meeting:	Licensing sub committee
Meeting date:	Tuesday 30 June 2020
Title of report:	Review of a premises licence in respect of: I.R.I Ltd t/a Europe, 24 Eign Gate, Hereford. HR4 0AB' launched by Herefordshire Council Trading Standards - Licensing Act 2003
Report by:	Licensing Technical Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for a review of a premises licence in respect of: I.R.I Ltd, T/A Europe, 24 Eign Gate, Hereford. HR4 0AB.

Recommendation

That:

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 Trading Standards Service application for the review,**
- **The Guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties, and**
- **The Herefordshire Council Licensing Policy.**

Options

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

Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

Key Considerations

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

Applicant	Herefordshire Council Trading Standards Service	
Agent	Not applicable	
Type of application: Review	Date received: 5 May 2020 28 day consultation started 6 May 2020	28 Days consultation ended 2 June 2020

Summary of Application

5. The application for the review is attached (appendix 1)
6. Copies of the application were sent to the premises licence holder and responsible authorities.
7. In brief the Trading Standards Service grounds for the review are:
8. On the 8 April 2020 Trading Standards Officers from Herefordshire Council attended Europe, 24 Eign Gate Hereford, HR4 0AB and seized a quantity of illegal foreign cigarettes being sold from the premises.

The sale of illicit tobacco is a criminal offence and creates a serious problem. Its sale undermines the licensing objectives that specifically relate to the prevention of crime and disorder.

Premises History

9. The premises was first licensed in November 2016 as an European convenience store selling alcohol. The premises licence holder was I.R.I Limited and the designated premises supervisor (DPS) was Ina Turuliene. The name of the premises was licensed as I.R.I Limited.
10. On 6 March 2018, the licensing authority received an application to transfer the licence from I.R.I Ltd to IGLE Ltd with the DPS remaining in the name of Ina Turuliene. This was granted on 13 March 2018. However, the licensing authority did not receive any notification of change of premises name.
11. It has been brought to the licensing authority's attention that when the review was launched that the premises is known as Europe. To date, the authority has not received notification of a change of name to the premises.

Current Licence

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

Sale/Supply of Alcohol (For consumption Off the Premise)
Monday - Sunday 09:30 – 21:00
13. The licence is also subject to a number of conditions.

Circumstances leading to the review

14. On the 6 February 2020 Trading Standards received intelligence from a member of the public that her 15 year old son had purchased two packets of illegal Marlboro foreign labelled cigarettes from Europe, 24 Eign Gate, Hereford, HR4 0AB. One of the packets was given to Trading Standards who confirmed the cigarettes as being illegal.
15. On 8 April 2020 Trading Standards attended Europe to conduct a routine inspection of medicines on sale in the shop as a response to COVID-19. During the inspection, officers found three (3) packets of illegal Marlboro cigarettes (consistent with the intelligence received on the 6 February 2020) and eight (8) packets of illegal New Zealand cigarettes located underneath the till behind the counter.
16. Further inspection of the counter area revealed a number of large shopping bags full of illegal cigarettes being stored in a cupboard next to the till area – there were 220 packets found in the bags, all of which were illegal foreign labelled.
17. The black market street value of the cigarettes is approximately £808.50. The duty evasion figure is however much higher at approximately £1848.00
18. As a result this review was launched.

Summary of Representations

19. Representations have been received from West Mercia Police, Trading Standards and Public Health in support of the review and can be found at appendices 3 to 5.
20. No other representations have been received.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

26. 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.
27. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
28. 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.
29. 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.

30. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
31. 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'.
32. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

33. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision

Risk Management

34. 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

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

Appendices

- Appendix 1 - Application for the review of the premises licence
- Appendix 2 - Current Premises Licence
- Appendix 3 - West Mercia Police representation
- Appendix 4 - Trading Standards representation
- Appendix 5 - Public Health representation

Background Papers

None



**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **[REDACTED]** **Principal Trading Standards Officer**

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

**I.R.I Ltd t/a Europe
24 Eign Gate
Hereford**

Post town Hereford

Post code (if known) HR4 0AB

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

**IGLE Limited
24 Eign Gate
Hereford
HR4 0AB**

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

Licence Number – PR01739

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Herefordshire Council Trading Standards Service 8 St. Owen's Street Hereford HR1 2PJ
Telephone number (if any) 01432 383224
E-mail address (optional)

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

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

Please state the ground(s) for review (please read guidance note 2)

- On the 8th April 2020 Trading Standards Officers from Herefordshire Council attended Europe, 24 Eign Gate Hereford, HR4 0AB and seized a quantity of illegal foreign cigarettes being sold from the premises.

The sale of illegal tobacco is a serious problem and undermines the licensing objectives that specifically relate to the prevention of crime and disorder.

Please provide as much information as possible to support the application (please read guidance note 3)

On the 6th February 2020 Trading Standards received intelligence from a member of the public that her 15 year old son had purchased two packets of illegal Marlboro foreign labelled cigarettes from Europe, 24 Eign Gate, Hereford, HR4 0AB. One of the packets was given to Trading Standards which were confirmed as illegal. The worker who sold the cigarettes was described as blonde, tall, slim and approximately aged 35-40 with an Eastern European accent.

On 8th April 2020 Trading Standards attended Europe, 24 Eign Gate, Hereford, HR4 0AB to conduct a routine inspection of medicines on sale in the shop as a response to COVID-19. During the inspection, officers found 3 packets of illegal Marlboro cigarettes (consistent with the intel received on the 6th February) and 8 packets of illegal NZ cigarettes placed underneath the till behind the counter. Initially Ina TURULIENE (the manager and designated premises supervisor) told officers that the cigarettes were for personal use.

Further inspection of the counter area revealed a number of large shopping bags full of illegal cigarettes being stored in a cupboard next to the till area – there were 220 packets found in the bags, which were all illegal foreign labelled, the majority of which are known as illicit whites. When confronted, Ina TURULIENE admitted the cigarettes were being sold from the premises at £35 a sleeve.

The black market street value of the cigarettes is approximately £808.50. The duty evasion figure is however much higher at approximately £1848 – This shows the loss of revenue to the chancellor to use on vital public services.

The sale of illegal cigarettes is viewed as a serious offence under Section 182 of the Licensing Act 2003. The guidance states that where certain criminal activity, such as the sale of illegal tobacco occurs in connection with licensed premises, it should be treated particularly seriously

Therefore, the view of Herefordshire Council Trading Standards is that the premises licence for Europe should be revoked.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

On Monday 26th September 2016, a member of Trading Standards made representations against the Grant of a Premises Licence for the premises which would be withdrawn should the applicant agree set conditions

The conditions asked for were as follows;

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

On the same day the applicant Ina Turuliene on behalf of IRI LTD agreed to the conditions being put on the premises licence

Please tick ✓

yes

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

IT IS AN OFFENCE, 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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **04/05/2020**

Capacity **Applicant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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



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

Premises licence number – PR01739 (App to Transfer Premise Licence)

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

**I.R.I Ltd
24 Eign Gate
Hereford
HR4 0AB**

Telephone number:

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

Sale/Supply of Alcohol – (for consumption off the premises)

The times the licence authorises the carrying out of licensable activities

**Sale/Supply of Alcohol
Monday – Sunday 09:30 – 21:00**

The opening hours of the premises

Monday – Sunday 09:00 – 21:00

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

For consumption off the premises

Part 2

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

**IGLE Limited
24 Eign Gate
Hereford
HR4 0AB**

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

Registered Number: 6300864

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

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

Ina Turuliene
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

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

Licence Number – XXXXX
Issuing Authority – Herefordshire Council

Annex 1 - Mandatory conditions

Age verification

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Below Cost Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Mandatory conditions where licence authorises supply of alcohol

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

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or

- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occur. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**Annex 3 - Conditions attached after a hearing by the licensing authority
Not applicable****Annex 4 - Plans
As attached – dated 23.09.2016**



LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number – PR01739 (App to Transfer a Premises Licence)

Premises details

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

I.R.I Ltd
24 Eign Gate
Hereford
HR4 0AB

Telephone number:

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

Sale/Supply of Alcohol – (for consumption off the premises)

The times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol
Monday – Sunday 09:30 – 21:00

The opening hours of the premises

Monday – Sunday 09:00 – 21:00

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

For consumption off the premises

Part 2

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

IGLE Limited
24 Eign Gate
Hereford
HR4 0AB

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

Registered Number: 11146429

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

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

Ina Turuliene

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

The premises shall operate a Challenge 25 Policy

From: West Mercia Police
Sent: 22 May 2020 11:58
To: Licensing <licensing@herefordshire.gov.uk>
Subject: Europe Licences review

WEST MERCIA POLICE REPRESENTATION

Good morning

Please see below regarding the license review launched by Herefordshire Council Trading Standards

West Mercia Police as a responsible authority support the review application made by Herefordshire Council Trading Standards with regards to a licensed premises called Europe, Eign Gate, Hereford.

The review concerns the sale/supply of illegal/contraband tobacco that was found at the premises with the supporting evidence that similar items were sold to a young person.

The guidance issued under Section 182 of the Licensing Act 2003 states that this is activity is viewed as serious and as such consideration should be given to revoke the premises licence on the first occasion.

The view of West Mercia Police is that the premises licence for this location should be revoked.

Regards

MATES/Licensing Officer & COVID-19 Bronze
Harm Hub Hereford Police Station
Ext 772 2067

Trading Standards Representation

From: Trading Standards
Sent: 18 May 2020 14:50
To: Licensing <licensing@herefordshire.gov.uk>
Subject: IRI Ltd T/A Europe Review Application

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the review application for the premises licence at IRI Ltd t/a Europe, 24 Eign Gate, Hereford, Herefordshire HR40AB.

Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of the Licensing Objective – Protection of Children from Harm
Due to the sale of illicit tobacco, Trading Standards are of the opinion this is a serious breach of the licensing objective, Protection of Children from Harm and Prevention of Crime & Disorder, therefore we support the review launched by [REDACTED] and would ask for revocation.

Should the committee decide not to revoke, we would ask that the following three conditions remain on the premises licence

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

**Principal Trading Standards Officer
Herefordshire Council**

MEMORANDUM

To : **LICENSING**

From : **Public Health**

Tel : My Ref :

Date : **20.05.20** Your Ref :

**LICENSING ACT 2003
APPLICATION FOR A REVIEW OF A PREMISE LICENCE
IRI LTD T/A EUROPE**

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

Representation	Industry Guidance
<p>PREVENTION OF CRIME & DISORDER Within the 20% most deprived for IMD Crime</p>	
<p>PUBLIC SAFETY The prevalence of smoking for adults is 12.6% (2018)</p> <p>Tobacco kills more than 8 million people each year. More than 7 million of those deaths are the result of direct tobacco use while around 1.2 million are the result of non-smokers being exposed to second-hand smoke</p> <p>There are many ill health effects of tobacco and illicit tobacco, smoking is a contributor to health inequalities, with people who live in more deprived areas more likely to smoke and less likely to quit.</p> <p>Additionally there are many risks for women smoking whilst pregnant including increased risk of miscarriage and stillbirth.</p> <p>Effective regulation of tobacco products contributes to the governments <u>tobacco control plan</u> for England.</p> <p>The contents of illicit tobacco is not regulated and often not known therefore it is not known at what levels harmful chemicals are included which at higher levels can be more harmful to health than regulated tobacco products.</p>	<p>PHE</p> <p>WHO</p> <p>https://www.ncbi.nlm.nih.gov/books/NBK310413/</p> <p>Department of health & social care</p>
<p>PREVENTION OF PUBLIC NUISANCE</p>	
<p>PROTECTION OF CHILDREN FROM HARM The area is in IMD decile 3 so with in the 30% of most deprived neighbourhoods in the country.</p>	

Herefordshire figures - Social economic gap 3.21(18-64 years) – You are three times more likely to be smoker in a R&M occupation than other occupations. Largest gap in the West midlands. (2018)

Smoking: preventing uptake in children and young people

Public health guideline [PH14] Published date: 23 July 2008 Last updated: 01 November 2014

“Smuggled tobacco is cheap. As a result, it erodes efforts to discourage people from taking up smoking (or to encourage them to stop), particularly those from deprived communities. PHAC is also concerned about the ease with which children and young people can purchase smuggled cigarettes and tobacco. In addition, there is evidence that a large number of smuggled cigarettes are counterfeit.”

[Fingertips](#)

[NICE](#)

REFERENCES

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

HEALTH IMPROVEMENT PRACTITIONER

PUBLIC HEALTH