

Agenda

Licensing sub-committee

Date: **Wednesday 16 November 2022**

Time: **10.30 am**

Place: **online meeting**

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

For any further information please contact:

Sarah Buffrey

Tel: 01432260176

Email: sarah.buffrey@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey on 01432260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Paul Andrews

Councillor Polly Andrews
Councillor John Hardwick

Agenda

	Pages
PUBLIC INFORMATION	
THE NOLAN PRINCIPLES	
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: IRI LTD T/A EUROPE, 24 EIGN GATE, HEREFORD. HR4 0AB CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003	11 - 32
To consider an application for a review of a premise licence in respect of IRI Ltd T/A Europe, 24 Eign Gate, Hereford. HR4 0AB.	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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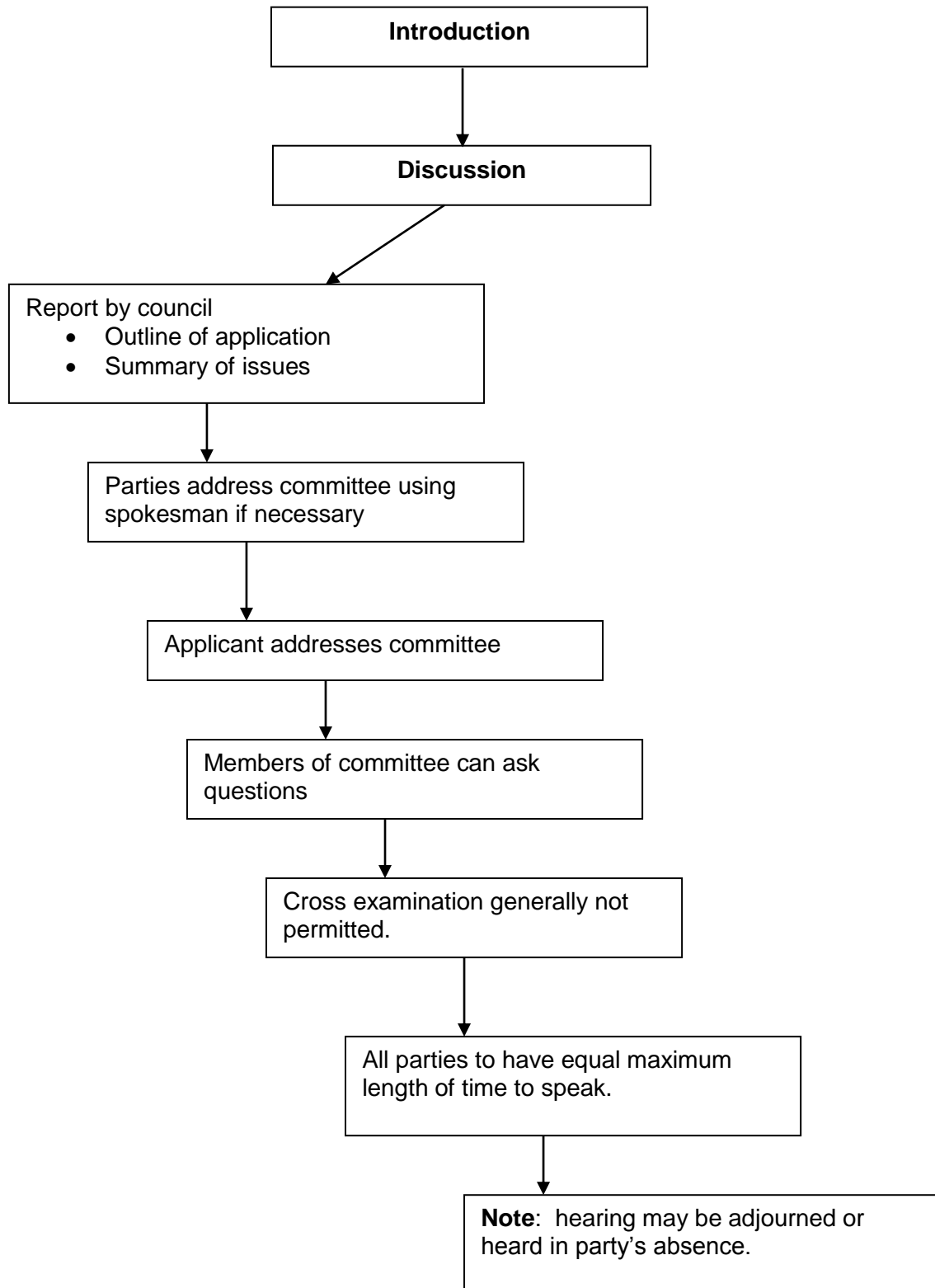
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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Title of report: Review of a premises licence in respect of: IRI Ltd T/A Europe, 24 Eign Gate, Hereford. HR4 0AB called by West Mercia Police - Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: 16 November 2022

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Notice has been served in accordance with Part 2, Section 5 (Procedures Prior to Private Meetings) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (Regulations) 2012.

Wards affected

Central

Purpose

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

Recommendation(s)

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,
- West Mercia Police 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 2020 - 2025

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Further information on the subject of this report is available from
Senior LeadOfficer, 01432 261761, email: licensing@herefordshire.gov.uk

Alternative options

1. There are a number of options open to the committee in relation to the review:
 - the modification of the conditions of the premises licence;
 - the exclusion of any licensable activities from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence

Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify

Key considerations

2. 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
3. The details of the application are:

Applicant	West Mercia Police	
Agent	Not applicable	
Type of application: Review	Date received: 29 July 2022 28 day consultation started: 30 July 2022	28 Days consultation ended: 26 August 2022

Summary of Application

4. The application for the review is attached (appendix 1).
5. Copies of the application were sent to the premises licence holder and all Responsible Authorities.

6. In brief the Responsible Authority's grounds for the review are:

West Mercia Police launched the review under the licensing objective, Prevention of Crime & Disorder due to an investigation by Police for the handling and selling of stolen goods.

Premises History

7. The premises was first licensed in November 2016 as an European convenience store selling alcohol. The premises licence holder was IRI Ltd and the designated premises supervisor (DPS) was Ina Turuliene.
8. On 6 March 2018, the Licensing Authority received an application to Transfer the licence from IRI Ltd to IGLE Ltd with the DPS remaining in the name of Ina Turuliene. This was granted on 13th March 2018.
9. 30 June 2020, the premises and current DPS was brought before licensing committee. Trading Standards (as a responsibly authority) launched a review on the premises for the sale of illegal tobacco. This resulted in the premises licence being suspended for the maximum 3 months following the 21 day appeal process. The decision was not appealed at magistrates court.
10. An application to transfer the premises licence from IGLE Ltd to MIGLE Ltd was received by the Licensing Authority on 19 July 2022 and was subsequently granted on 3 August 2022. The Licensing Authority did not receive an application to vary DPS, therefore Ina Turuliene remained as the DPS at the premises.

Current Licence

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

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

Monday – Friday 09:30 – 20:00

Saturday 10:00 – 20:00

Sunday 11:00 – 16:00

12. The licence is also subject to a number of conditions. The conditions on the licence must be adhered to whenever the premises is open for licensable activities.

Circumstances leading to the review

13. Known shoplifters were seen entering the store on 11 April 2022 with items of property. Those items were subsequently identified as stolen later the same day
14. Police attended the store on the 16 April 2022 and identified the stolen items on display in the shop. The person in charge of the shop at that time were arrested on suspicion of handling stolen goods.
15. At the time of the arrest a quantity of medical supplies were also seized. It was believed that these medical supplies were being sold without the appropriate license to sell such products.

16. The Designated Premises Supervisor (DPS) has been subsequently interviewed under police caution for the handling of stolen goods and has been reported for summons to court.
17. The matter was due to be heard by the sub-committee on 13 September 2022 but was postponed at the request of West Mercia Police due to the ongoing police investigation and subject to a court appearance

Summary of Representations

18. One (1) representation was received from Herefordshire Council Trading Standards (Appendix 3). No representations were received from members of the public.

Community impact

19. Any decision may have an impact on the local community.

Environmental Impact

20. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as the Licensing Authority.

Equality duty

21. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. There are no equality issues in relation to the content of this report.
 23. 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.
 24. 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.

Resource implications

25. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as the Licensing Authority.

Financial implications

26. There are unlikely to be any financial implications for the council as Licensing Authority at this time.

Legal implications

27. 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.
28. 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.
29. 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.
30. 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: -
31. 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.
32. 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.
33. 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:
34. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
35. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

36. Schedule 5 of the Licensing Act 2003 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).
37. 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

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

Consultees

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

Appendices

Appendix 1 - Application Form
Appendix 2 – Current Premises Licence
Appendix 3 – Trading Standards Representation

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor

**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]** **West Mercia Police**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

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

Post town Hereford

Post code (if known) HR4 0AB

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

IGLE Limited

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

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
West Mercia Police
Licensing Officer (Herefordshire)
West Mercia Police
Hereford Police Station
Bath Street
Hereford
HR1 2HT

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

West Mercia Police are launching this review under the licensing objective,
Prevention of Crime & Disorder due to an investigation by Police for the handling and
selling of Stolen Goods

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

I R I Ltd of 24 Eign Gate, Hereford is a small convenience store selling Eastern European groceries.

Known shoplifters have been seen entering the store on 11th April 2022 with items of property.

Those items have been subsequently identified as stolen later the same day.

Police have attended the store on the 16th April 2022 and have identified the stolen items on display in the shop. The person in charge of the shop at the time has been arrested on suspicion of Handling Stolen Goods.

At the time of the arrest a quantity of medical supplies were also seized believed to be being sold without the appropriate license to sell such products.

The Designated Premises Supervisor (DPS) Ina Turuliene has been subsequently interviewed under police caution for the HANDLING OF Stolen goods and has been reported for summons to court.

Based on the evidence established during the investigations, the Police seek to revoke the license for this premises to sell alcohol. The Police are of the view that this premises clearly undermines the Crime and Disorder licensing objective.

The final decision and disposal of this investigation (handling of stolen goods) will be determined by court on date yet to be determined at this time.

Please note the named Designated Premises Supervisor (DPS) Ina Turuliene, was brought before the licensing committee on 30 June 2020.

Trading Standards (as a responsibly authority) launched a review on the premises for the sale of illegal tobacco.

This resulted in the premises licence being suspended for the maximum 3 months

This premises have undermined the licensing objective Prevention of Crime & Disorder, on at least two occasions in less than two years, therefore we feel revocation of their premises licence is the only option.

It is also noted that West Mercia Police received an application to transfer the premises licence on 18 July 2022 from IGLE Ltd to MIGLE Ltd

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

22 May 2020 (in respect of a review of the premises licence for illegal tobacco)

[REDACTED]

Sent: 22 May 2020 11:58

To: Licensing <licensing@herefordshire.gov.uk>

Subject: Europe Licence review

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 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

[REDACTED]

MATES/Licensing Officer & COVID-19 Bronze

Harm Hub Hereford Police Station

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 [REDACTED]

.....
.....

Date **28th July 2022**

.....
.....

Capacity **Constable**

.....
.....

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 Premises 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

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

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

Registered Number: 13042643

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

**Ina Turuliene
XXXXX**

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 – PLXXXX
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 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
30th June 2020****DECISION**

The sub-committee's decision following a review of premises licence was to suspend the licence for three months (24.07.2020 – 24.10.2020)

**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

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

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

Registered Number: 13042643

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

I would like to make the following representations on behalf of Herefordshire Council Trading Standards:

Consumer protection is of the utmost importance to Trading Standards and recent events seriously draw into question the ability of the premises and licence holder to meet the licencing objectives set out in s182 of the Licensing Act 2003.

The sale of stolen electrical items, whilst not only illegal, demonstrates the lack of due diligence on behalf of the business to ensure the goods being sold to members of the public have been purchased from a legitimate source and meet electrical safety requirements.

In addition, the sale of prescription only medicines and controlled drugs, without a licence, is illegal and should be taken particularly seriously. Anyone selling medicines without the correct licence, training or expertise, is putting consumers' health and wellbeing at risk in order to make money.

During the summer of 2020, Trading Standards launched a review of the premises when Trading Standards Officers found over 220 packets of illegal cigarettes being stored behind the counter area of the shop - subsequently Committee suspended the premises alcohol licence for 3 months.

Herefordshire Trading Standards have a duty to help protect legitimate businesses and ensure there is a level playing field, especially in tough economic times.

For the reasons outlined above, I fully support the licence review launched by West Mercia Police in relation to the stated premises. It is clear the premises is failing to meet at least two of the four licensing objectives, namely 'the prevention of crime and disorder' and ensuring 'public safety'.

Principal Trading Standards Officer

