

Minutes of the meeting of Licensing sub-committee held as Online Meeting on Wednesday 22 February 2023 at 10.15 am

Present: Councillor Paul Andrews (chairperson)
Councillors: Clare Davies and Felicity Norman

Officers: Licensing technical officer and Senior Solicitor, Litigation

28. APOLOGIES FOR ABSENCE

No apologies for absence were received.

29. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

30. DECLARATIONS OF INTEREST

There were no declarations of interest made.

31. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF 'BEBROSA, 24 EIGN GATE, HEREFORD. HR4 0AB - LICENSING ACT 2003

Members of the licensing sub-committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda. A supplement containing proposed conditions from West Mercia Police was published on 15 February 2023.

Prior to the sub-committee making their decision, the Council's licensing officer presented the report which outlined the options available to the sub-committee. Representations had been received from West Mercia Police and Trading Standards. Both bodies had supplied proposed conditions to be applied in the event that the licence is granted. The proposed conditions had been shared with the applicant but there had been no engagement from the applicant on this.

The sub-committee heard from the representative of West Mercia Police that:

- There was a history of activity on this site that had resulted in the premises licence for this property under the previous holder being suspended for three months in 2020, and subsequently revoked in November 2022 following a further investigation into the handling of stolen goods and sale of medication without the correct licence;
- There was a clear connection between the current applicant and the previous licence holder;
- The police did not believe that the licensing objective of prevention of crime and disorder would be upheld.

The sub-committee heard from the representative of Trading Standards that:

- In most circumstances trading standards were able to propose and agree conditions to ensure that those making an application were able to uphold the

- licensing objectives but in this case they felt there was no alternative other than to object due to the history of activity at the premises;
- The previous licence had been suspended in 2020 and revoked in late 2022 following investigations by trading standards and the police;
 - The premises was still trading under the previous name and trading standards were concerned that this was a paperwork exercise to transfer the licence, and that the premises would continue to operate as before;
 - When Environmental Health had made a routine inspection visit on 18 January the sole person in the shop was the previous licence holder, the applicant was not on the premises at that time;
 - Business rate records showed no change to the property at 24 Eign Gate;
 - The recommendation from trading standards was that the application be refused.

The sub-committee then heard from the applicant that:

- The premises was still trading under the previous name as there was no sense making changes if the new licence was not approved;
- The new business would be operated differently from the previous licence holder;
- The previous licence holder had provided help in setting up a previous business in Cardiff and had been a company director for a time;
- The applicant operated another shop in Gloucester which had never had any issues with illegal activities.

Following questions from the sub-committee, it was confirmed that the applicant was in the process of purchasing the business but had not yet paid for it. The applicant had not responded to the proposed conditions, but this was an oversight as he had not realised that a response was required. He confirmed that the emails regarding proposed conditions had been received.

The sub-committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

DECISION

The sub-committee's decision is to refuse the application for a licence.

REASONS

The sub-committee has taken into account the written and verbal representations from Trading Standards and West Mercia Police, and the in person representation from the applicant. The sub-committee has heard evidence from trading standards which evidences a close link between the applicant and the previous licence holder at the premises address, whose licence was revoked. The sub-committee are of the view that to grant the licence would not uphold the licensing objective to prevent crime and disorder.

The meeting ended at 11.05 am

Chairperson