

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>14 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<b>FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW IN RESPECT OF: EUROPEAN FRESH FOODS, 141 – 143 EIGN STREET, HEREFORD, HR4 0AJ</b>
<b>PORTFOLIO AREA:</b>	<b>PUBLIC HEALTH DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

St Nicholas

### **Purpose**

To consider a Full Review of a premises licence following an Expedited Review in respect of: European Fresh Foods, 141 - 143 Eign Street, Hereford, HR4 0AJ.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

THAT the Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

### **Key Points Summary**

- Application for the Expedited Review received on 23<sup>rd</sup> July 2012.
- Interim Steps hearing held on 25<sup>th</sup> July 2012.
- Decision of committee to suspend licence pending the full review.

Further information on the subject of this report is available from  
Fred Spriggs – Licensing Officer 01432 383542

## Options

- 1 There are a number of option open to the committee:
  - the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail (or other 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.

## Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003 and the Crime & Disorder Act 2006.

## Background Information

- 3 The powers to call for an Expedited review are contained in Section 53A of the Licensing Act as amended by the Violent Crime Reduction Act 2006. The powers allow;
  - The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
  - The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 4 The expedited review hearing was held on 25<sup>th</sup> July 2012 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing it was decided that the premises licence should be suspended forthwith. At that time the premises licence holder Mr Mohammed was not present.
- 5 A copy of the decision notice was served on the premises the premises licence holder on 26<sup>th</sup> July 2012 by 1<sup>st</sup> Class post to the address for the premises licence holder.
- 6 A notice of the full review was placed on the premises as required by law.
- 7 **Current Licence**  
The current licence authorises the following licensable activities during the hours shown: -  
  
Sale by retail of alcohol      Monday-Sunday: 08:30 - 21:00
- 8 The grounds for the review are contained in Appendix 1 and 2 of the background papers.

## 9 **Representation**

Copies of the application and certificate have been sent to the responsible authorities.

At the time of writing this report a representation had been received from Trading Standards.

## **Key Considerations**

10 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 (who is not also a responsible authority).

## **Community Impact**

11 Any decision is likely to have very little impact of the community.

## **Legal Implications**

12 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

13 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

## **Consultees**

14 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

15 The notice of review was displayed on the premises which invited representation between 24<sup>th</sup> July to 6<sup>th</sup> August 2012. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

## **Appendices**

- 16
- a. Application Form for Expedited Review
  - b. Certificate
  - c. Decision notice following interim steps

## **Background Papers**

**Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.**