

HEREFORDSHIRE COUNCIL
**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	European Fresh Foods
PREMISES LICENCE HOLDER	Mr Bakhtyer Khedir Mohammed
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Full Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
DATE OF MEETING	14 August 2012

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from James Mooney, representing West Mercia Police and David Hough, representing Herefordshire Council Trading Standards.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Council's Licensing Policy. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder.

DECISION

- 1 That the premises licence in respect of European Fresh Foods, 141-143 Eign Street, Hereford, HR4 0AJ be **REVOKED**.

REASONS

- 1 The Sub Committee considered carefully the options before it as set out in paragraph 1 of the Licensing Officer's report. It was particularly mindful of the guidance given in paragraph 11.21 of the October 2010 Home Office Amended Guidance issued under Section 182 of the Licensing Act which stated that:

'Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.'

It was therefore considered that the removal of the Designated Premises Supervisor would be an inadequate response.

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- 2 With reference to paragraph 11.25 of the October 2010 Home Office Guidance the Sub-Committee saw no good reason based on the evidence put before it to defer its decision pending any proceedings ongoing or contemplated elsewhere upon which it doesn't comment.
- 3 The Committee bases its decision on the necessary Licensing Objectives adhered to in such matters, with particular reference being made to the prevention of crime and disorder and the protection of children from harm.
- 4 The Sub-Committee has heard from representatives of Herefordshire Council's Licensing Department and Trading Standards Department as well as West Mercia Police and is satisfied that necessary documentation has been served upon appropriate persons connected with the premises in a timely manner.
- 5 The Sub-Committee has heard evidence that serious crime has been committed on the premises as defined in Section 53A of the Licensing Act 2003 and has made its decision accordingly.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.