

From: Mooney,James
Sent: 30 April 2018 10:13
To: Licensing; Bowell, Emma
Cc: Spriggs, Fred ; Reynolds,Duncan
Subject: Sweet Chilli, Bridge Street, Hereford - licensing review

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of papers with regards to a licensing review (as per the Licensing Act 2003), launched by Herefordshire Licensing Authority on 07 April 2018, against a licensed premises, licensed in the name of Sweet Chilli, 16-17 Bridge Street, Hereford. This premises - at this time - goes under the name of Sache Indian Restaurant.

The review was launched as a result of information shared in January 2018 by West Mercia Police with Herefordshire Council Licensing Authority that the ownership of the premises had changed hands, was under new ownership and that the named designated premises supervisor was not longer involved in the business.

West Mercia Police are aware that the authority wrote to the premises and the named premises licence holder advising them of the need to transfer the premises licence and to vary the designated premises supervisor. They were also told that to continue to supply/sell alcohol would be a criminal offence.

West Mercia Police were made aware that the premises did not make the required applications and continued to supply/sell alcohol without a named designated premises supervisor.

As a consequence officers from West Mercia Police attended the premises to offer further 'face to face' advice and to ensure compliance of the law.

At 1845hrs on the 16 February 2018, officers attend and found the premises open with customers. Alcohol was visible and customers were drinking what was obviously alcohol. Officers spoke to a male who identified himself as being in charge and the owner - he gave his name as Jahirul AHMED - but called himself Sam. The issues were explained to him and he was issued a Section 19 closure notice (as per S19 of the Criminal Justice and Police Act 2001). The effect of this notice is to inform the users of the premises that they are breaching legislation and that they should rectify the situation. In this case the notice stated that as the premises did not have a designated premises supervisor and therefore cannot under take licensable activities until a named designated premises supervisor was in place. Mr AHMED stated he would contact the Licensing Authority to sort the matter out.

Further information came to light that the premises continued to breach legislation.

On the 23 March 2018 an e-mail was sent by the police to the premises informing them that the police are aware they continue to breach legislation and that the matter was serious and that they could expect further intervention visits.

At 1925hrs on 24 March 2018, officer attend the premises again and served a similar S19 notice on Mr AHMED after they found the premises open with customers and alcohol being served.

A further police visit was made to the premises at **2015hrs on 30 March 2018**, and again the premises was open with customers and alcohol on display and being served. Mr AHMED was told - again - that he was breaching legislation and that he should desist from doing so. Again he said he would contact the Licensing Authority to sort out the matter.

On all occasions when officers attended they engaged with a person who they believed to be the new owner Johirul AHMED. At no time did they see or speak to the named designated premises supervisor Abtal HUSSAIN.

West Mercia Police do take these breaches as being serious.

This premises has been licensed for a number of years and was subject to a joint police and UK Border Agency intervention visit in July 2017. At that time one male who was working in the premises was detained as it had been established he was an illegal worker with no right to stay in the country or to work in the country. This matter was subject to a licensing review application which was granted by this committee.

The view of West Mercia Police is that this licensing review is totally justified and that despite interventions by West Mercia Police and multiple interventions by the Licensing Authority, the premises repeatedly ignored advice and warnings and persistently undertook licensable activities without a designated premises supervisor.

The view of West Mercia Police is that the premises licence for Sweet Chilli Restaurant should be revoked.

Attachments:

S19 notice dated 16/02/2018

S19 notice dated 24/03/18

E-mail to the premises dated 23/03/18.

Regards

Jim Mooney - on behalf of Ps 3456 Reynolds
Harm Reduction/Community Safety Dept.,
Harm Reduction Coordinator,
Herefordshire Policing Area
West Mercia Police.

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james.mooney@westmerciam.pnn.police.uk

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[#destinationHereford](#)

www.westmerciam.police.uk/maketherightcall

The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate agencies for the purpose of reducing and dealing with criminal and anti-social behaviour. Once in the hands of a new agency it is the responsibility of that agency to protect the information under its own Data Protection Provisions.

**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice:

Police Force: West Mercia Police

Person making the Notice:

Signature: Ugn Rank & No. PC2347

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

**Breach of licence conditions –
(State briefly)**

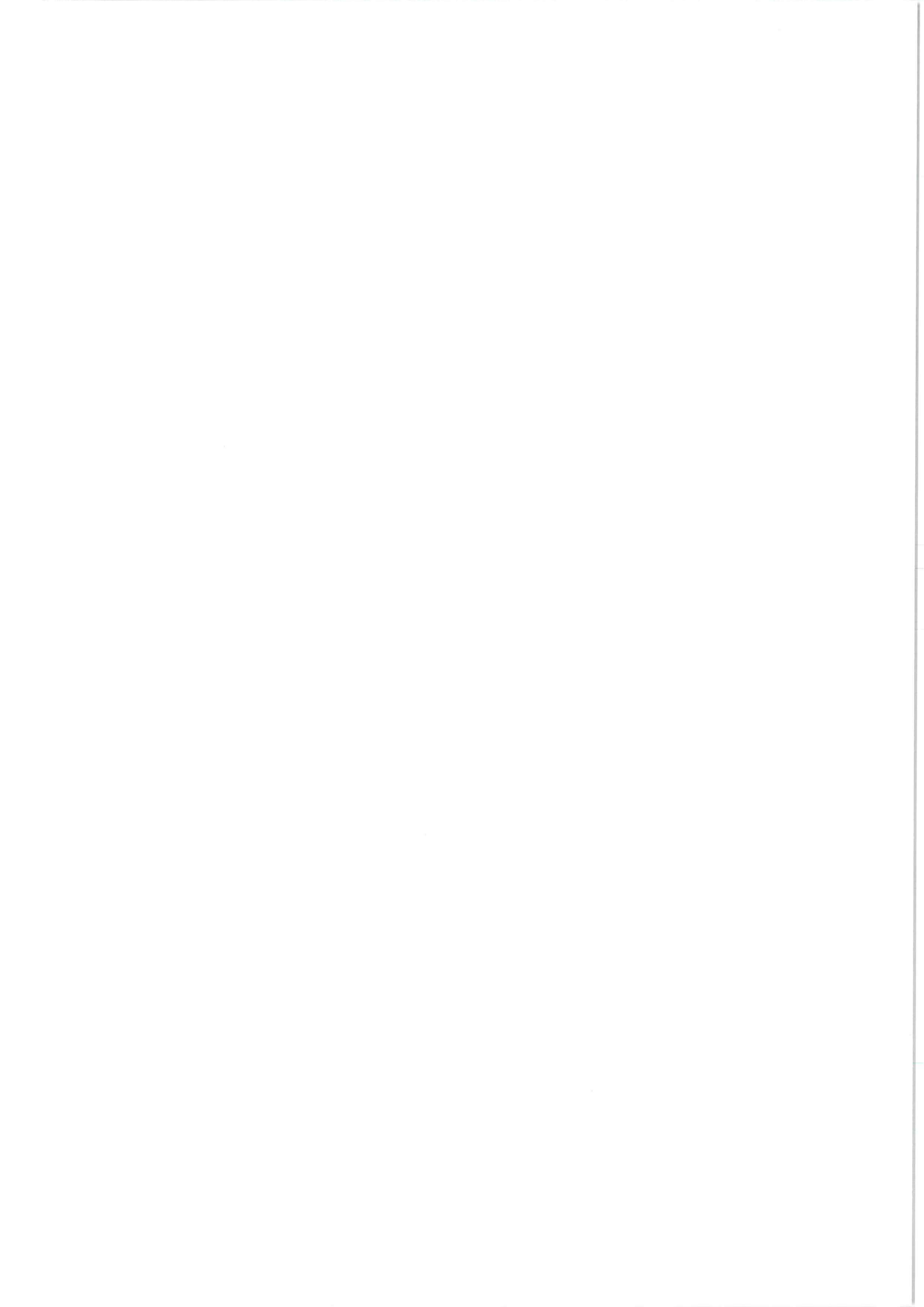
Both the Police and the Licensing Authority are aware that the premises has recently changed ownership and that the named designated premises supervisor is no longer involved in the business. As at this time no applications have been made to transfer the premises licence and to vary the designated premises supervisor.

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Compliance with all aspects of the Licensing Act 2013 by making applications to transfer the premises licence and vary the designated premises supervisor.

The person on whom the closure notice has been served

Name Johirul Ahmed (sam)
Date 18.02.2018 18.45



**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice: 1925 24/03/18

Police Force: West Mercia Police

Person making the Notice: PC GORLAND

Signature: [Handwritten Signature] Rank & No. PC 1921

Name and Address of affected premises: -

**SACHE INDIAN RESTAURANT – ALSO KNOWN AS SWEET CHILLI
16-17 BRIDGE STREET
HEREFORD**

Alleged unlicensed use of Premises: -
Sale of alcohol.

**Breach of licence conditions –
(State briefly)**

Both the Police and the Licensing Authority are aware that the premises has recently changed ownership and that the named designated premises supervisor is no longer involved in the business. As at this time no applications have been made to transfer the premises licence and to vary the designated premises supervisor.

Please note – this is the second occasion that you have been informed of this failure

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

Compliance with all aspects of the Licensing Act 2013 by making applications to transfer the premises licence and vary the designated premises supervisor.

The person on whom the closure notice has been served

Name SAM AHMED (JOTHIRUL)

Date 24-3-18

Notes:

1. A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a licence to sell alcohol in contravention of sections 136 of the Licensing Act 2003 as an unauthorised sale of alcohol. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.
2. Section 20 of the 2001 Act - Closure Order
Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unauthorised sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.
3. After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.
4. In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken. Appeals - Section 24 of the 2001 Act
5. An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 25 of the 2001 Act.
6. It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).
9. It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

From: Mooney,James
Sent: 23 March 2018 08:35
To: Sham Ahmed; Sachè Indian Lounge
Cc: licensing.herefordshire; 'Bowell, Emma'; King,Gareth; Reynolds,Duncan; Paskin,Carl;
'Spriggs, Fred'
Subject: TRANSFER of a premises licence for Sweet Chilli

Importance: High
Good morning

West Mercia Police has been copied into the e-mails regarding this premises and the fact that you are still selling/supplying alcohol without a designated premises supervisor.

Please be aware that the police take this matter very seriously and as a consequence will be visiting the restaurant unannounced when you are open to ensure you are complying with the law - if you are found breaching legislation West Mercia Police will consider all options open to them which can include criminal prosecution and a licensing review. This may impact on any future applications you make to become the premises licence holder and appoint a designated premises supervisor.

This is quite a simple matter to resolve and you should do so without any further delay.

Regards

Jim Mooney
Harm Reduction/Community Safety Dept.,
Harm Reduction Coordinator,
Herefordshire Policing Area
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmerciam.pnn.police.uk
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From: Licensing [mailto:licensing@herefordshire.gov.uk]
Sent: 23 March 2018 08:12
To: Sham Ahmed; Sachè Indian Lounge
Cc: licensing.herefordshire
Subject: FW: TRANSFER of a premises licence for Sweet Chilli

Good morning

Thank you for your email.

As per our email 26.02.18 at 10:26, to date we have also only received a personal licence application from you which we are unable to process and accept due to you primarily residing in Birmingham.

You should get a personal licence from the council in the area where you live, not where you work or do business.

If a person wishes to take over an existing premises licence they can apply for a premises licence to be transferred to them (which is what we are asking you to do).

We will need:

Premises Licence (original must be returned)

Transfer Application (to be completed by the proposed licence holder)

Consent Form (to be completed by the previous premises licence holder)

£23 fee

Change Designated Premises Supervisor (DPS)

If a premises licence holder wishes to change the named Designated Premises Supervisor (DPS) an application must be submitted.

A change of DPS would be required if the current DPS leaves the business. A new DPS would be required in order to continue operating legally.

The prospective DPS must be a personal licence holder.

The application to change the DPS can take immediate effect or take effect on a specified date as stated on the application form

We will need:

Premises Licence (original must be returned)

Vary DPS Application (to be completed by the proposed premise licence holder)

Consent Form (to be completed by the proposed DPS)

£23 fee

I note these forms have been sent to you **three times before** (they are quite self-explanatory) but I attach them again for you. Unfortunately we do not accept applications via email.

As we have not received a Transfer or Vary DPS application off you, you are not authorised to sell alcohol. Please may I remind you, it is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both. In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation we may take enforcement action against you.

If you are still unclear as to what is required, I suggest seeking your own licensing advice through a consultant as the authority has given all the advice they can and are able to.

Regards

Licensing

Environmental Health & Trading Standards,

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

Hereford.

HR1 2PJ

Tel: 01432 261761

Fax: 01432 261982

email: licensing@herefordshire.gov.uk

Please note: - Licensing operate an up to 5 working day call/email back system.

For all work related emails, please send to licensing@herefordshire.gov.uk

Council's Homepage www.herefordshire.gov.uk

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