



**Review of a premises licence in respect of: Ledbury Convenience Store, 23 High Street, Ledbury. HR8 1DS called by Herefordshire Council Trading Standards as a Responsible Authority- Licensing Act 2003**

**Meeting: Licensing sub-committee**

**Meeting date: Wednesday 18 February 2026**

**Report by: Senior Licensing Technical Officer**

**Classification**

Open

**Decision type**

This is not an executive decision

**Wards affected**

Ledbury North

**Purpose**

To consider an application for a review of a premises licence in respect of Ledbury Convenience Store, 23 High Street, Ledbury. HR8 1DS called by Herefordshire Council Trading Standards a Responsible Authority under the Licensing Act 2003

**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,
- Trading Standards' application for the review
- the representations (including supporting information) presented by all parties,
- the guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- the Herefordshire Council Statement of Licensing Policy 2020 - 2025.

**Reasons for Recommendations**

Ensures compliance with the Licensing Act 2003

## Alternative options

1. There are a number of options open to the committee in relation to the review:
  - a) The modification of the conditions of the premises licence;
  - b) The exclusion of any licensable activities from the scope of the licence;
  - c) To refuse to specify a person in the licence as the premises supervisor
  - d) The suspension of the licence for a period not exceeding 3 months; and
  - e) The revocation of the licence
2. Where the authority takes a step mentioned in bullet point a, b and d 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.
3. Alternatively, it is open to the licensing authority to determine that no action is required to promote the licensing objectives or issue an informal warning in writing to the licence holder and/or to recommend improvement within a specified period of time.

## Key considerations

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

4. The details of the application are:

Applicant	Herefordshire Council Trading Standards as a Responsible Authority	
Solicitor	Not applicable	
Type of application: <b>Review</b>	Date received: 7 January 2026	28 Days consultation ended 4 February 2026

## Summary of Application

The application for the review is attached (appendix 1)

5. Copies of the application were sent to the premise licence holder and all responsible authorities.
6. Trading Standards grounds for the review are:

On the 22 November 2025, Trading Standards Officers from Herefordshire Council attended Ledbury Convenience Store, 23 High Street, Ledbury, HR8 1DS, and seized a quantity of illegal foreign cigarettes and hand rolling tobacco being sold from the premises.

The sale of illegal tobacco is a serious problem and undermines the licensing objectives that specifically relate to the prevention of crime and disorder.

### **Premises History**

7. The premises was first licensed on 5 September 2023 as a convenience store. Mr Mehmet Ozer is the premises licence holder, and the Designated Premises Supervisor (DPS) is Adalat Yousefi.
8. The grant application received relevant representation during the consultation period. Two (2) representations were received from the responsible authorities – Trading Standards and the Licensing Authority. The sets of conditions proposed were accepted by the applicant, therefore their representations were withdrawn on 21 July 2023.
9. One (1) relevant representation was received from a member of the public in line with the licensing objective Prevention of Public Nuisance that the licensing authority accepted as being relevant.
10. The matter was therefore brought before the licensing sub-committee on 31 August 2023. The decision of the Licensing Sub-committee was to grant the application as applied for with the additional conditions which were put forward by Trading Standards and the Local Authority and agreed by the applicant. The decision notice can be found at Appendix 2.
11. On Thursday 15 August 2024, a member of Herefordshire Council's Trading Standards Team witnessed that some of the conditions the premises licence were being breached
  - Alcohol licence not on display in the shop
  - No Challenge 25 notices on display in the shop
  - Staff member not able to operate CCTV system to replay footage etc at request.
12. As a result, on 24 September 2024, the Licensing Authority sent the premises licence holder (Mehmet Ozer) a breach of conditions letter detailing the conditions not being complied with. The letter also stated that under Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. A copy of the breach of conditions letter can be found at Appendix 3.

### **Current Licence**

13. The current licence (appendix 4) authorises the following licensable activities during the hours shown: -

Sale/Supply of Alcohol (consumption off the premises)

Monday – Sunday 08:00 – 23:00

### **Circumstances Leading to the Review**

14. On 22 November 2025 an enforcement visit by Trading Standards and Police was undertaken at the premises. 51 packets of cigarettes and 116 (50 gram) packs of hand rolling tobacco were seized from behind the counter and hidden in cookers in the rear kitchen.
15. On 24 November 2025, Herefordshire Magistrates Court issued a three (3) month closure order under s80 of The Anti Social Behaviour, Crime and Policing Act 2014, to prevent continued criminal activity from the premises.
16. Details listed in the review application at appendix 1, show intelligence gathered by Trading Standards regarding under age sales for nicotine products, selling oversize vape devices containing nicotine from under the counter in the shop, foreign labelled Hand Rolling Tobacco being sold for cash, selling cigarettes with no lawful market in the UK - non duty paid and underage sales for alcohol from February 2024 until the time of the raid.
17. As a result of details listed in paragraphs 14-16, this review was launched.

### **Summary of Representations**

18. Representations supporting the review were received from, West Mercia Police (appendix 5) and Hereford & Worcester Fire and Rescue Service (appendix 6).
19. One (1) representation was received from a member of the public that the Licensing Authority has accepted as being relevant. The representation stated that a licence should not be granted, however the Licensing Authority responded to the email stating that the application is for a review of an existing premises licence (appendix 7).

### **Community impact**

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

### **Environmental Impact**

21. 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**

22. 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.
23. There are no equality issues in relation to the content of this report.

24. 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.
25. 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

26. 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

27. There are unlikely to be any financial implications for the council as licensing authority at this time.

## Legal implications

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 Part 1 Paragraph 8 of the Licensing Act 2003 gives a right of appeal which states:  
Review of premises licence.
  - (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
  - (2) An appeal may be made against that decision by
    - (a) the applicant for the review
    - (b) the holder of the premises licence, or
    - (c) any other person who made relevant representations in relation to the application
  - (3) In sub paragraph (2) "relevant representations" has the meaning given in section 52(7).
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**

41. 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**

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

## **Appendices**

Appendix 1 – Application Form for Review  
Appendix 2 – Licensing Sub-Committee Decision Notice 31 August 2023  
Appendix 3 – Breach of Conditions Letter 24 September 2024  
Appendix 4 – Current Licence Print  
Appendix 5 – West Mercia Police Representation  
Appendix 6 – Hereford & Worcester Fire & Rescue Service Representation  
Appendix 7 – Public Representation

## **Background papers**

None identified

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

**DPS = Designated Premises Supervisor**