

# Agenda

## Licensing sub-committee

Date: **Friday 26 May 2017**

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Time: **10.00 am**

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Place: **Committee Room 1, The Shire Hall, St Peter's Square,  
Hereford, HR1 2HX**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Caroline Marshall, Governance Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Governance Services on 01432 260249 or e-mail [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor DW Greenow  
Councillor BA Baker  
Councillor J Hardwick

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the agenda.	
<b>4. EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE: JALSAGAR RESTAURANT, 60 ST OWENS STREET, HEREFORD. HR1 2PU - LICENSING ACT 2003</b>	9 - 26
To consider an application for an ' <i>expedited licence review</i> ' of the premises licence relating to 'Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.	



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### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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## **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

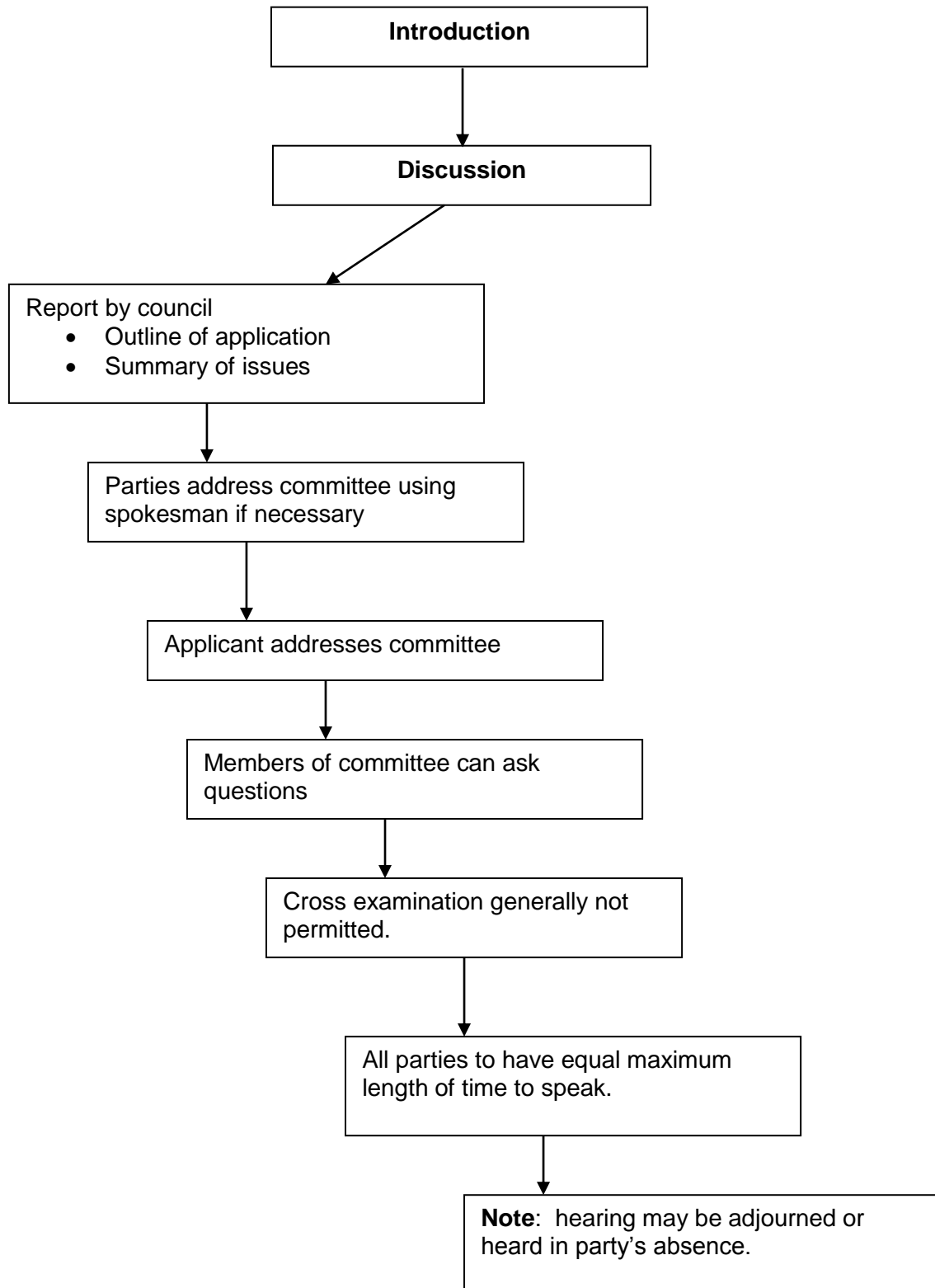
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

## Licensing Hearing Flowchart









<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>26 May 2017</b>
<b>Title of report:</b>	<b>Expedited/summary licence review of the premises licence: Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central Ward

## Purpose

To consider an application for an '*expedited licence review*' of the premises licence relating to 'Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU' (appendix 1) called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.

## Recommendation

**THAT:**

**Sub-Committee determine the interim steps necessary to prevent serious crime or serious disorder (or both) at the premises and to promote the licensing objectives in the overall interests of the local community. They should give appropriate weight to:**

- **The steps that are necessary to assist with the prevention of serious crime or disorder or both**
- **The representations (including supporting information) presented by all parties**
- **The guidance issued under Section 182 of the Licensing Act 2003**
- **The Herefordshire Council licensing policy.**

## Options

1. The interim steps that the licensing authority can consider taking are:
  - Take no action; or
  - Take any of the following steps: -
    - (a) to modify the conditions of the licence;
    - (b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
    - (c) to remove the designated premises supervisor;
    - (d) to suspend the licence;
2. Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect until the full review hearing.

## Reasons for Recommendations

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

## Key Considerations

4. The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of 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.

Applicant	<b>Sergeant 3456 Duncan Reynolds of the West Mercia Constabulary</b>	
Premise Licence Holder	<b>Mrs Wahida Khatun</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>Expedited Review</b>	Date received: <b>24.05.2017</b>	Interim Steps Hearing 48 hours <b>26.05.2017</b>

## Current Licence

5. The current licence (appendix 2) authorises the following licensable activities during the hours shown:-

Sale by retail of alcohol & late night refreshment

- On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12midnight.
- On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
- On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

### **The Grounds for the Review**

6. The grounds for the review and the Superintendent's authority are contained in appendix 1.
7. The committee have to decide what action should be taken, if any, to prevent further outbreaks of serious crime or disorder or both at the premises and how this will further promote the licensing objective of the prevention of crime.

### **Community Impact**

8. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

9. There are no equality or human rights issues in relation to the content of this report.
10. 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.
11. 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.

### **Financial implications**

12. There are unlikely to be any financial implications for the authority at this time.

### **Legal Implications**

13. The premise licence holder may make representations against the interim steps taken by the licensing authority. There is not a time limit for the premises licence holder to make representation on the interim steps, although this would be within the normal review period of 28 days. On receipt of representations and if they are not withdrawn, a hearing must be arranged within 48 hours of receipt.

## **Risk Management**

- 14 There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

## **Consultees**

15. Copies of the application and certificate have been sent to the responsible authorities and served on the premises licence holder.

## **Appendices**

Appendix 1 – current premises licence for Jalsagar Restaurant

Appendix 2 - application for expedited review and superintendent's certificate

## **Background Papers**

Relevant sections of the Section 182 guidance.

24 May 2017

Harm Reduction Dept.,  
Hereford Police Station,  
Bath Street,  
Hereford. HR1 2HT

Direct Dial: 01432 347102

e-mail:

licensing.herefordshire@westmercia.pnn.police.uk

**Jalsagar Restaurant, 58-60 St Owen Street, Hereford.**

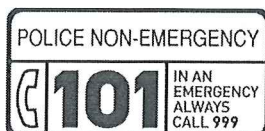
Please find enclosed application papers submitted by West Mercia Police under Section 53A of the Licensing Act 2013.

I can confirm that copies of both sets of papers have been sent to the premises licence holders address as per the premises licence issued.

Yours sincerely,



Ps 3456 D. Reynolds.



[www.westmercia.police.uk](http://www.westmercia.police.uk)



@wmerciapolice



west mercia police

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Herefordshire District Council Licensing Authority.

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Ps 3456 Duncan REYNOLDS [on behalf of] the chief officer of police for the West Mercia police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Jalsagar Restaurant  
58 St Owen Street**

Post town: Hereford

Post code (if known): **HR1 2PU**

**2. Premises licence details:**

Name of premises licence holder (if known): Mrs Wahida Khatun

Number of premises licence holder (if known): PR00210

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**The Jalsagar Restaurant, St Owen Street, Hereford is a medium sized premises licenced to sell/supply alcohol and provide late night refreshment.**

**It is located near to the city centre of Hereford.**

**The premises licence holder is Mrs Wahida KHATUN, however it is known that the premises is owned and operated by a company called Dena Restaurants Ltd., which is run by Mrs KHATUN and her husband Joynal ABADEN.**

**The named designated premises supervisor is a Mr Shubail AHMED.**

**It is well known that Mr ABADEN is involved in the business on a daily basis and as such is viewed as the person in charge.**

**At 1900hrs on Friday 19 May 2017, a joint operation between West Mercia Police and UK Border and Immigration Agency took place at the premises. This was intelligence lead based on good information that a number of people were working at the restaurant who were either illegal immigrants with no right to be in the country or were individuals who had over stayed their authority to be in the country.**

**At the time of the visit, the premises was open with customers.**

**Three males were detained and found to be breach of the law. One male was found to be working as a waiter and two were working in the kitchens. One male was found to be in the country illegally and the other two were 'over stayers' and therefore did not have permission to remain in the country.**

**All three were removed to a holding detention centre in the West Midlands.**

**At the time of the visit Mr ABADEN was present, a short time later Mrs KHATUN arrived.**

**It is the view of the police in attendance that Mrs KHATUN was obstructive - through 'finger pointing' and shouting at the immigration officers. She had to be strongly warned to calm down or she would be arrested.**

**The employment of illegal immigrants in these circumstances is view as serious crime that could attract a prison sentence of 3 years or more on conviction.**

**The guidance issued under the Licensing Act 2003, also sees these activity as serious and that on review application, there should be serious consideration to revoke the premises licence where it believed that the crime prevention licensing objective is undermined.**

For your information, similar issues occurred at this premises in 2011, when as a result of a similar joint operation 5 males were detained in similar circumstances - through two separate visits.

The premises was under the same control and management of Dena Restaurants Ltd. This resulted in a licensing review application by the police, who requested that the premises licence be revoked.

West Mercia Police have considered other options open to them to address this issue, however due to the seriousness, the number of individuals found working illegally in the premises and the fact that similar breaches of the law occurred in 2011 involving the same owners, it is felt that alternative procedures are inappropriate.

At this stage, in order to promote the licensing objectives, West Mercia Police request that you SUSPEND the premises licence pending a full licensing review hearing

Signature of applicant:

Date: 24.05.17

Capacity: Police Harm Reduction Dept., Supervisor.

**Contact details for matters concerning this application:**

Address:

Harm Reduction Dept.,  
Hereford Police Station,  
Bath Street  
Hereford. HR1 2HT

Telephone number(s): 01432 347102

Email: HerefordAntiSocialBehaviour@westmercia.pnn.police.uk



West Mercia Police  
Herefordshire Territorial Policing Unit  
Bath Street  
Hereford

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime ~~/serious disorder / both serious crime and serious disorder~~<sup>1</sup>.

*Premises*<sup>2</sup>:

Jalsagar Restaurant  
60 St Owen street  
Hereford. HR1 2PU

Premises licence number (if known): PR00210

Name of premises supervisor (if known): Mrs Wahida KHATUN

I am a Superintendent Susan THOMAS <sup>3</sup> in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

Previous history of a similar nature in 2011, when as a result of 2 visits a total of 5 illegal immigrants were detained.

A licencing review was launched - finalised in October 2011 - additional conditions were added to the premises licence.

The police view is the premises licence holder being involved in the premises and aware of the previous review has ignored the law and therefore due to the seriousness of the matter all other procedures are inappropriate.

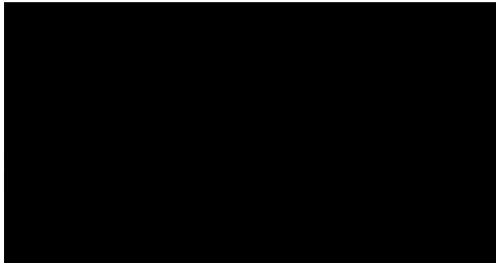
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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



(Date)

24/5/17

S. J. THOMAS

SUPERINTENDENT

**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number - PR00210 (App to Vary Premises DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**JALSAGAR RESTAURANT  
60 Owen Street  
Hereford  
HR1 2PU**

Telephone number: **01432 343464**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

**LATE NIGHT REFRESHMENT  
SALE BY RETAIL OF ALCOHOL – for consumption on the premises**

The times the licence authorises the carrying out of licensable activities

- (1) **On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12midnight.**
- (2) **On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm**
- (3) **On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.**
- (4) **On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).**

The opening hours of the premises

**Plus 30 minutes to the end of the hours shown above**

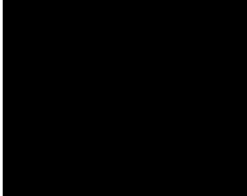
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**Alcohol-On the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mrs Wahida Khatun**



Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Shubail Ahmed**



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number –**   
**Issuing Authority – Braintree District Council**

## **Annex 1 - Mandatory conditions**

### **Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available.

### **Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### **Smaller measures**

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Mandatory condition: door supervision**

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing conditions**

#### **General**

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
- (4) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
- i) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Prevention of Crime: Not applicable

Public Safety: Not applicable

Prevention of Public Nuisance: Not applicable

Protection of Children: Not applicable

**Annex 3 - Conditions attached following a Review of the premises licence on 11<sup>th</sup> October 2011**

1 A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003) or the Police. The log book must record the following:

- a) Details of all persons employed at the premises in any capacity.
- b) Date of birth of the person.
- c) The full name of the person.
- d) Their current address.
- e) Their national insurance number.
- f) Their passport details.
- g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
- h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

**Annex 4 - Plans  
As attached**

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number - PR00210 (App to Vary Premises DPS)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

**JALSAGAR RESTAURANT  
60 Owen Street  
Hereford  
HR1 2PU**

Telephone number: **01432 343464**

Where the licence is time limited the dates

**Not applicable**

Licensable activities authorised by the licence

**LATE NIGHT REFRESHMENT  
SALE BY RETAIL OF ALCOHOL – for consumption on the premises**

The times the licence authorises the carrying out of licensable activities

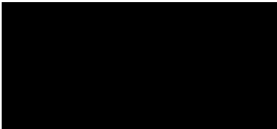
- (5) **On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12midnight.**
- (6) **On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm**
- (7) **On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.**
- (8) **On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).**

The opening hours of the premises

**Plus 30 minutes to the end of the hours shown above**

Name, (registered) address of holder of premises licence

**Mrs Wahida Khatun**





Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol-On the premises**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Shubail Ahmed**

State whether access to the premises by children is restricted or prohibited

**Not applicable**

