

Minutes of the meeting of Licensing sub-committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 5 September 2018 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillors: BA Baker and A Seldon

17. ELECTION OF CHAIRPERSON

Councillor PGH Cutter was elected as chairperson for the meeting.

18. APOLOGIES FOR ABSENCE

No apologies for absence were received.

19. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the committee meeting.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. APPLICATION TO TRANSFER A PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003

Members of the licensing sub committee from the council's planning and 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 Fred Spriggs, licensing officer, DS Duncan Reynolds, West Mercia Police and Anita Szporak.

The police requested that the meeting be moved to a closed session due to the confidential nature of the information being provided to the sub committee in relation to their objection. The committee agreed that the public interest was outweighed based on the information being provided by the police and agreed to move to closed session and excluded all members of the public. In this particular instance, Ms Szporak was also excluded due to the nature of the information being provided.

The meeting remained in closed session and invited Ms Szporak to join the meeting to provide her response to the objection from the police.

The sub committee then moved into private session in order to discuss the information which had been provided by both the police and Ms Szporak.

The committee moved into open session for the decision.

Decision

The sub committee's decision is to refuse the request to transfer the premises licence to Ms Szporak.

Reasons

The committee had taken into account the representations and that it was necessary for a committee meeting to be convened. It was noted that the police's objection to the transfer of the premises licence was exceptional. On the basis of the confidential information provided, the sub committee determined that the transfer of the premises licence to Ms Szporak would undermine the crime and disorder licensing objective.

22. APPLICATION TO BE THE DESIGNATED PREMISES SUPERVISOR ON THE PREMISES LICENCE IN RESPECT OF: 'MILA, 102-104 BELMONT ROAD, HEREFORD, HR2 7JS' - LICENSING ACT 2003

As the application to transfer the premises licence had been refused, this item was withdrawn from the committee's agenda.

23. REVIEW OF A PREMISE LICENCE IN RESPECT OF TASTE OF INDIA, 52 WEST STREET, LEOMINSTER, HR6 8UE - LICENSING ACT 2003

Members of the licensing sub-committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda, the background papers and the supplement issued on 9 August 2018.

Prior to making their decision the members heard from Fred Spriggs, Licensing Officer, Leah Wilson, Trading Standards Officer and Sergeant Duncan Reynolds. The committee also heard from Mr Nick Semper, premises licence holder's agent and Mr Hafiz Ali.

West Mercia Police outlined their representation in connection with the review which included:

West Mercia Police were part of a multi agency target enforcement strategy (MATE) and were part of a 3 day operation between Gangmaster Labour Abuse Authority. The purpose of the operation was to visit high risk premises in Leominster, such as restaurants, fast food outlets, car washes, etc. This was not an intelligence led operation but was fact finding.

- The Taste of India, 52 West Street, Leominster was a low profile business and not come to attention of the police before this.
- A MATE operation had taken place at the premises on 14 June 2018 which had been open for business.
- Two males were detained who had admitted to working illegally. Both males had no right to work in the UK.
- A civil penalty notice had been served on the manager of the business.
- Employment of illegal immigrants is a criminal offence and is viewed as a serious matter as set out in the S182 statutory guidance and states that revocation even at first occurrence should be considered.
- The police had had contact from the agent.
- The police's approach was to education and ensure compliance and this was Mr Ali's first occasion of employing illegal workers, conditions had been agreed with the premises licence holder's agent and therefore a warning in this case would be appropriate

The trading standards officer explained that since the sub committee meeting on 6 August, the trading standards representations had been agreed.

Mr Semper explained:

- That the reason for the review had been addressed through the minor variation and the only outstanding issue was the immigration point. The police had indicated that they wished to withdraw the review.
- The restaurant had been in operation for 10 years and had not be brought to the attention of the police before the visit in June.
- Mr Ali had been in desperate need of a kitchen porter and had eventually recruited one through a telephone call. Mr Ali had started the required employment checks but had been informed that the papers had been lost and replacements were being sought. Unfortunately, Mr Ali had not followed this up.
- With regard to the second gentlemen, he was a friend of Mr Ali and had been visiting him and was not employed by restaurant.
- All existing staff had been checked and all immigration statuses had now been checked in accordance with the Home Office check list and the records would be kept.
- Training has been undertaken on Monday 3 September for all staff.
- Mr Ali apologised for employing a member of staff who was not entitled to work in the UK.

Following questions, it was confirmed:

- The gentleman employed as a kitchen porter had been employed for 3 months;
- The premises had not been brought to the attention of the police before the MATE visit.

The committee have carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire's statement of licensing policy.

Decision

The sub committee's decision following a review of premises licence that the committee would issue an informal warning

Reasons

The committee had taken into account all the statements from the parties present. The Taste of India was a well established business and Mr Ali was aware of the need to complete paperwork when employing staff, but had not completed this promptly enough or before employing the member of staff. Mr Ali had employed an agent to assist with establishing new systems so there was no need for the committee to take action at this stage. However, the committee gave a warning not to undermine the licensing objectives, in particular the prevention of crime and disorder, by failing to take employment checks and employing illegal workers.

24. REVIEW OF A PREMISE LICENCE IN RESPECT OF SUMMER PALACE ORIENTAL RESTAURANT, 60 WIDEMARSH STREET, HEREFORD. HR4 9HG - LICENSING ACT 2003

As the premises licence for Summer Palace Oriental Restaurant had been surrendered, the review was dismissed as there was no licence to review.

The meeting ended at 11.46 am