

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

PREMISES	Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU
PREMISES LICENCE HOLDER	Mrs Wahida Khatun
APPLICANT'S NAME	Chief Constable – West Mercia Police
APPLICATION TYPE	Expedited/summary licence review
PANEL MEMBERS	Councillor DW Greenow (Chairman) Councillor B Baker Councillor J Hardwick
DATE OF MEETING	26 May 2017

Members of the Licensing Sub Committee of 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 Sergeant Duncan Reynolds and Jim Mooney representing West Mercia Police and Mr Fred Spriggs, Licensing Officer. Those representations disclosed information about serious crime, namely the employment of workers who had no legal right to work in the United Kingdom. The Members felt that the police representations were both compelling and credible.

The committee also heard from Mr Hugh Shepherd, counsel for the premises licence holder, Mrs Wahida Kahtun, and the designated premises supervisor, Mr Shubail Ahmed. Mr Shepherd explained that two of the individuals were present in the kitchen but were visiting members of staff and were dressed in order to comply with health and safety regulations. The third individual had been employed without the designated premises supervisor being present and therefore without all the appropriate checks being undertaken. However, once the designated premises supervisor was back on the premises, all appropriate checks would have been undertaken and the necessary action taken.

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), the Guidance Issued under Section 182 and the Council's Licensing Policy.

DECISION

Hearing of the licensing sub committee held on 26 May 2017 in respect of a review of the licenced premises known as Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU.

The members have carefully considered all the representations very carefully, they have considered the provisions of S53A and S53B of the Licensing Act 2003; the S182 guidance and the council's own licensing policy in considering whether interim steps should be imposed in this case.

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Members considered that at least one individual was allowed to work without the requisite checks being made first. This is a serious offence. Further the committee are not persuaded based on the representations they have heard that the other two individuals detained by immigration were not working at the premises.

They also have considered whether any lesser or alternative steps would be appropriate but clearly there had already been a breach of the log book condition and this lead to at least one member of staff being illegally employed by the premises.

Therefore the decision of the committee is to suspend the licence as an interim step which will take effect immediately. They considered that this action was both appropriate and proportionate to promote the licensing objectives and in particular to prevent the undermining of the prevention of crime and disorder licensing objective. The committee also had regard to the previous history of the premises in arriving at their decision.

This matter will be further considered at a review hearing on 16 June 2017 at 10.00 am.

ADDITIONAL INFORMATION

- 1 The Committee is required to review the premises licence in full within 28 days of the application for an Expedited/Summary licence review made on 26 May 2017.
- 2 The review has been set for 16 June 2017.
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.
- 4 The act allows the premises licence holder to make representation against the interim steps by sending written notification to the Licensing Authority.
- 5 In such case the authority must hold a hearing within 48 hours to consider whether to maintain, remove or modify the interim steps.