



Supplement to the agenda for

## **Licensing sub-committee**

**Friday 20 August 2021**

**2.30pm**

**Online meeting only**

- 5. REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED/SUMMARY REVIEW IN RESPECT OF: RAZBARUI, 156 EIGN STREET, HEREFORD, HR4 0AP**



Headquarters  
Hindlip Park  
Worcester  
WR3 8SP

Tel 0345 122 4454  
Fax 01905 357 466  
Web www.hwfire.org.uk  
Email info@hwfire.org.uk

West District Protection Department  
Hereford Fire Station, St Owen Street, Hereford, HR1 2JW



**AGENDA ITEM 5**  
HEREFORD & WORCESTER  
**HWFR**  
FIRE AND RESCUE SERVICE

**RRO10**

Chief Fire Officer / Chief Executive  
Jonathon Pryce MBA, Dip, GFireE

**RECORDED DELIVERY**

Razbari  
RB INDIAN RESTAURANT LTD



For the attention of:- Mr Masud Ruhel MINTU

Your reference

My reference

W4601106/RC/kl

Please ask for

Email

Telephone

Date

08 October 2021

Dear Sir

**URGENT – ACTION REQUIRED**

**The Regulatory Reform (Fire Safety) Order 2005 Article 31**

**PROHIBITION NOTICE**

**Razbari, 156 Eign Street, Hereford, HR4 0AP**

The enclosed Prohibition Notice served on the above premises requires your immediate attention.

Hereford & Worcester Fire Authority is of the opinion that the risk to people in case of fire in the premises is so high that the use of the premises must be prohibited or restricted.

Your attention is drawn to the Notes which accompany this Notice.

If you have any questions regarding this letter and notice please do not hesitate to contact me.

Yours faithfully



Authorised Fire Safety Inspector  
on behalf of Hereford & Worcester Fire Authority

Encs: Prohibition Notice/Notes to accompany Notice

cc: Mr Masud Ruhel MINTU (info@razbari.co.uk)

Shuyeb Jaygien Razbari, 156 Eign Street, Hereford, HR4 0AP

HEREFORD & WORCESTER FIRE AUTHORITY

PROHIBITION NOTICE

NOTICE REQUIRING THE USE OF THE PREMISES TO BE PROHIBITED OR RESTRICTED UNDER ARTICLE 31 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Address of premises **Razbari, 156 Eign Street, Hereford, HR4 0AP**

Name of responsible person **Mr Masud Ruhel MINTU**

I Watch Commander Richard Cooper on behalf of the Hereford & Worcester Fire Authority hereby give you notice that the Fire Authority are of the opinion that the following use of the said premises as occupied by you, namely as **Razbari**, involves, or will involve, a risk to persons on the premises in case of fire so serious that use of the premises ought to be **prohibited**.

The Fire Authority are further of the opinion that the matter(s) which **give rise to the said risk are:-**

- **The structure between the ground and upper floors provides insufficient fire and smoke protection. This would allow heat and smoke from fire to pass from the ground to the upper floors above.**
- **There is no working fire detection system within the premises.**

and the Fire Authority hereby direct that the use of the premises to which this Notice relates is **prohibited** as follows :-

- **The whole premises must not be used for sleeping or resting at any time.**

until the matters specified above have been remedied.

The Fire Authority are of the opinion that the risk of injury is imminent and the **prohibition** is to take effect **immediately**.

This Notice continues in force until the specified matters have been remedied and the Fire Authority withdraw it in writing.

Date: 8 October 2021

Signature: 

on behalf of and duly authorised by Hereford & Worcester Fire Authority.

## **NOTES TO ACCOMPANY PROHIBITION NOTICE SERVED UNDER ARTICLE 31 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 Under Article 32(2)(h) of this Order, it is an offence for any person to fail to comply with any prohibition or restriction imposed by a Prohibition Notice and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.
- 2 In any proceedings for an offence referred to in Note 1 - where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.
- 3 Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist them in undertaking such preventive and protective measures as necessary.
- 4 Subject to Note 3, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8(a) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.
- 5 In any proceedings for an offence under the Order consisting of a failure to comply with a duty or requirement so far as is reasonably practicable it is for the accused to prove that it is not reasonably practicable to do more that was in fact done to satisfy the duty or requirements.
- 6 A person on whom a Prohibition Notice is served may appeal under Article 35 of the said Order to the magistrates' court, for the area in which the premises is situated, within 21 days from the date on which the Prohibition Notice is served. The bringing of an appeal does not have the effect of suspending this Notice, unless on the application of the appellant, the court so directs (and then only from the giving of the direction).
- 7 It should be noted that in order to satisfy the "Environment and Safety Information Act 1988" the Fire Authority is obliged to enter details of any Prohibition Notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information, then you should appeal in writing to the Authority within a period of 14 days following the service of the Notice.
- 8 The works or actions specified in the Notice are only intended to reduce the excessive risk to a more acceptable level. The Notice is issued without prejudice to any other enforcement action that may be taken by this or any other enforcement authority
- 9 The Fire Authority would be willing to consider and reasonably assist with any proposals you may have to remedy the matters specified in the Notice.

