

Minutes of the meeting of Licensing sub-committee held as Online Meeting on Friday 15 October 2021 at 2.30 pm

Present: Councillor Alan Seldon (chairperson)
Councillors: Paul Andrews and Tony Johnson

Officers: Licensing technical officer and Senior solicitor, major projects

145. APOLOGIES FOR ABSENCE

No apologies for absence were received.

146. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

147. DECLARATIONS OF INTEREST

There were no declarations of interest made.

148. APPLICATION FOR AN EXPEDITED REVIEW IN RESPECT OF RAZBARI, 156 EIGN STREET, HEREFORD. HR4 0AP

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 licensing technical officer presented the report which outlined the options available to the sub-committee and Members heard representations from PC Chris Lea, the Police Licensing Officer and the Premises Licence Holder, Mrs Wahida Khatun.

PC Chris Lea, representing West Mercia Police, outlined their reasoning for requesting the expedited review and suspension of the premises licence for Razbari which included: concerns about serious crime at the premises, namely exploitation and the employment of workers who had no legal right to work in the United Kingdom.

Mrs Khatun explained to the sub-committee that the business had been sold several months previously but there had been delays transferring the licence to the new owner's name as he had had to return to Bangladesh on a personal matter.

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 Herefordshire Council's statement of licensing policy.

DECISION

The sub-committee's decision was to suspend the licence with immediate effect as an interim step until the full review was held.

REASONS

The licensing sub-committee had heard from the licensing technical officer, West Mercia Police, as the applicant for the expedited review, and the premises licence holder. The Members felt that West Mercia's representations were both compelling and credible.

Members considered the information that one individual who had been arrested was in the UK illegally, had no residence or employment status and whilst employed had not been paying UK taxes or insurance, and that two further individuals who had overstayed their visas had been allowed to work without the requisite checks being made first. This was a serious offence.

They also considered whether any lesser or alternative steps would be appropriate.

Therefore the decision of the sub-committee was to suspend the licence as an interim step until the full review was held. This would take effect immediately. The sub-committee 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 matter would be further considered at a review hearing on 5 November 2021 at 2:30pm.

POST MEETING NOTE

Following a query in respect of this raised under the licensing sub-committee meeting, an investigation by the Licensing Authority showed that an application had been made in January 2019 to remove Mrs Khatun from the licence both as the premises licence holder and the DPS.

Therefore to be clear, as of January 2019, Wahida Khatun was not the premises licence holder or DPS at the Razbari and Herefordshire Council apologises unreservedly for this error and any embarrassment that this will have caused Mrs Khatun.

A further licensing sub-committee was arranged for Friday 22 October 2021 and notified to the correct premises licence holder.