

Agenda

Licensing sub-committee

Date: **Friday 15 October 2021**

Time: **2.30 pm**

Place: **Online Meeting**

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

For any further information please contact:

Democratic Services

Tel: 01432 260176

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Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon

Councillor Paul Andrews
Councillor Tony Johnson

Agenda

	Pages
PUBLIC INFORMATION	
THE NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. APPLICATION FOR AN EXPEDITED REVIEW IN RESPECT OF RAZBARI, 156 EIGN STREET, HEREFORD. HR4 0AP	11 - 26
To consider an application for an expedited review in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP under the Licensing Act 2003 called by West Mercia Police.	

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- 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.
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- 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.
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Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Application for an expedited review in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP

Meeting: Licensing sub-committee

Meeting date: Friday 15 October 2021

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford – Widemarsh

Purpose

To consider an application for an expedited review in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP under the Licensing Act 2003 called by PC 2368 Chris Lea of West Mercia Police.

Recommendation(s)

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 2020 - 2025

Reasons for Recommendations

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

Alternative options

1. There are a number of options open to the sub-committee:

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;

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.

Key considerations

Licence Application

2. 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	PC 2368 Chris Lea of the West Mercia Constabulary	
Premise Licence Holder	Mrs Wahida Khatun	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 14.10.2021	Interim Steps Hearing 48 hours 15.10.2021

Current Licence

3. The current licence (appendix 1) authorises the following licensable activities during the hours shown: -

Licensable activities authorised by the licence

Provision of late night refreshment (Indoors) & Sale by retail of alcohol (For consumption on the premises)

Monday-Sunday: 17:00 - 23:59

The Grounds for the Review

4. The grounds for the review and the Superintendent's authority are contained in Appendix 2 of the background papers.
5. 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

6. Any decision may have an impact on the local community.

Environmental Impact

7. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. There are no equality 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.

Resource implications

12. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

13. There are unlikely to be any financial implications for the council, as licensing authority at this time.

Legal implications

14. 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

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

Consultees

16. 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

Appendix 2 - Application for expedited review & Superintendent's certificate

Background Papers

Relevant pages of the Section 182 Guidance Background papers



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

Premises licence number PR01375 (Permanent 10.08.2010)

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Razbari 156 Eign Street	
Post town Hereford	Postcode HR4 0AP
Telephone number	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Provision of late night refreshment (Indoors) 2. Sale by retail of alcohol (For consumption on the premises)

The times the licence authorises the carrying out of licensable activities Monday-Sunday: 17:00 - 23:59 Non standard timings: None Seasonal variations: None
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The opening hours of the premises Monday-Sunday: 17:00 - 23:59 Non standard timings: None Seasonal variations: None

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies For consumption on the premises
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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mrs Wahida Khatun [Redacted] [Redacted]

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

Not applicable

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

Mrs Wahida Khatun

██████████
██████████
██████████

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: Birmingham City Council

Annex 1 - Mandatory conditions

(1) 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.

Annex 2 - Conditions consistent with the operating Schedule

Licensing objectives

General:

The Licensee must will retain control over all parts of the premises, either the licensee or the duty manager will be in charge of & within the premises whenever the public are present.
No disorderly conduct shall be permitted on the premises

Prevention of Crime:

CCTV must be registered and installed in accordance with the guidelines laid down by the information Commissioner.

Refusal to sell alcohol to those who are of appear to be drunk or underage

Public Safety:

The Licensee must ensure that she has sufficient trained Staff on Duty to ensure the safe evacuation of the premises in the event of an emergency
Provision of a first aider & or suitable first aid equipment must be provided & maintained in an accessible on the premises

Prevention of Public Nuisance:



Customers will be marshalled out of the building and banning those who are persistently leave in a noisy boisterous manner.

Music played will only be in the background and controlled by members of staff from behind the bar

Protection of Children:

All staff will be aware of age regulations & Proof of age cards
The provision of suitable safe seating for minors will be put in place
The licensee must operate a Challenge 25 Policy

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

As attached



LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number PR01375 (Permanent 10.08.2010)

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Razbari 156 Eign Street	
Post town Hereford	Post code HR4 0AP
Telephone number	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Provision of refreshment or alcohol 1. Provision of late night refreshment (Indoors) 2. Sale by retail of alcohol (For consumption on the premises)

The times the licence authorises the carrying out of licensable activities Monday-Sunday: 17:00 - 23:59 Non standard timings: None Seasonal variations: None
--

The opening hours of the premises Monday-Sunday: 17:00 - 23:59 Non standard timings: None Seasonal variations: None

Name, (registered) address of holder of premises licence Mrs Wahida Khatun [Redacted] [Redacted]
--

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies For consumption on the premises
--

Registered number of holder, for example company number, charity number (where applicable) Not applicable



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

Mrs Wahida Khatun

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

Licensing Conditions: Not applicable

Licensing Objectives:

All staff will be aware of age regulations & Proof of age cards

The provision of suitable safe seating for minors will be put in place

West Mercia Police
Herefordshire
Bath Street
Hereford HR1 1TA

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 disorder¹

*Premises*²

Razbari Indian Resturant
156 Eigh Street
Hereford
Herefordshire
HR4 0AP

Premises licence number (if known)

Name of premises supervisor (if known) believed to be Masud Ruhel Mintu

I am a Superintendent ³ 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, because⁴

On Friday 8th October 2021, following a joint agency operation, an inspection took place at the premises due to intelligence existing that suggested exploitation was taking place at the premises This involved potential immigration offences.

One member of staff was detained and arrested due to his immigration status. Two other members of staff were also reported as they has overstayed their

¹ Delete as applicable

² Include business name and address and any other relevant identifying details

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

⁴ 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

VISA



(Signed)

Supt Edd WILLIAMS

14/10/21

(Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Herefordshire Council

Licensing Section

8 St Owen Street

Hereford

HR1 2PJ

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 PC 2368 Chris LEA - Police Licensing Officer
[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:

**Razbari Indian Restaurant
156 Eign Street**

Post town: Hereford

Post code (if known): **HR4 0AP**

2. Premises licence details:

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

Number of premises licence holder (if known): PR01375

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]

This premises is an indian restaurant based near to Hereford city centre

On Friday 8th October 2021, a joint agency operation involving West Mercia Police, Immigration, Herefordshire Council Environmental Health and Hereford & Worcester Fire and Rescue took place, where a visit was made at the premises regarding the employment of illegal immigrants.

At the time, who West Mercia believed to be the designated premises supervisor, MASUD RUHEL MINTU was not present. The premises was open and was undertaking licensable activities - including the sale of alcohol. One member of staff was detained and arrested due to his immigration status. Two other members of staff were also reported as they has overstayed their visa.

It is believed the person detained is in the UK illegally, has no residence and employment status and whilst employed has not being paying UK taxes or insurances.

It is further believed that their presence in the UK is as a result of serious criminal activity and is regarded as 'people smuggling'. Additionally it is believed that there is financial gain and benefit to the premises licence holder for the continual employment of people in these circumstances.

An inspection by Hereford and Worcester Fire & Rescue identified a number of issues which fell below the required safety standard

An inspection by Herefordshire Council Environmental Health officers identified a number of concerns with a full report to submitted in due course

Signature of applicant: 

Date: 12th October 2021

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address: **West Mercia Police**
Territorial Policing Unit - Herefordshire
Hereford Police Station
Licensing Officer
Bath Street
Hereford. HR1 2HT

Telephone number(s): 01432 347102

Email: licensing.herefordshire@westmercia.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

