

# Agenda

## Licensing sub-committee

Date: **Friday 5 November 2021**

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Time: **2.30 pm**

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Place: **Online Meeting**

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

For any further information please contact:

**Democratic Services**

Tel: 01432 260239

Email: [Joanna.morley@herefordshire.gov.uk](mailto:Joanna.morley@herefordshire.gov.uk)

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# **Agenda for the Meeting of the Licensing sub-committee**

## **Membership**

Councillor Polly Andrews  
Councillor Sebastian Bowen  
Councillor John Hardwick

## Agenda

### PUBLIC INFORMATION

#### THE NOLAN PRINCIPLES

**1. ELECTION OF CHAIRPERSON**

To elect a Chairperson for the meeting.

**2. APOLOGIES FOR ABSENCE**

To receive apologies for absence.

**3. NAMED SUBSTITUTES (IF ANY)**

To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.

**4. 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.

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

To consider an application for a review, following an expedited/summary licence review of a premises licence in respect of Razbari, 156 Eign Street, Hereford, HR4 0RP called by West Mercia Police under the Licensing Act 2003.

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- 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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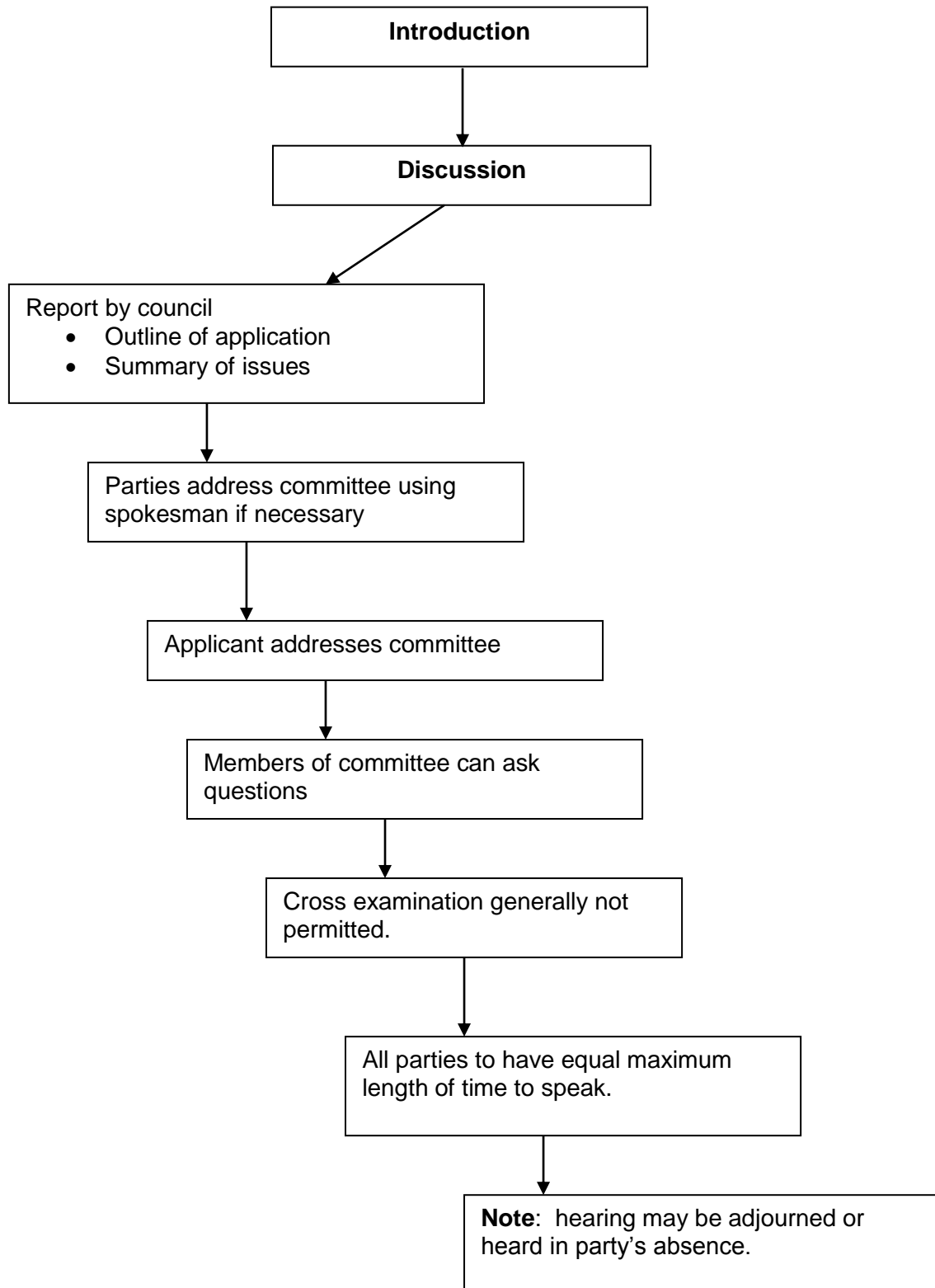
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## Licensing Hearing Flowchart







## **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.





**Review of a premises licence following an expedited/summary licence review in respect of: Razbari, 156 Eign Street, Hereford. HR4 0AP called by West Mercia Police- Licensing Act 2003.**

**Meeting: Licensing sub-committee**

**Meeting date: Friday 5<sup>th</sup> November 2021 at 14:30hrs**

**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 a review, following an expedited/summary licence review, of a premise licence in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP called by West Mercia Police under the Licensing Act 2003

## **Recommendation(s)**

That the Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006,
- The Police application made in respect of the expedited review together with the Superintendent's Certificate (Appendix 1)
- The representations (including supporting information) presented by all parties, and
- 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 committee:
  - a. the modification of the conditions of the premises licence;
  - b. the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
  - c. the removal of the designated premises supervisor from the licence;
  - d. the suspension of the licence for a period not exceeding 3 months; and
  - e. the revocation of 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 for only such period (not exceeding three months) as it may specify.

## 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	<b>PC 2368 Chris Lea of the West Mercia Constabulary</b>	
Premise Licence Holder	<b>MD Masud Ruhel Mintu</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>Expedited Review</b>	Date received: <b>14.10.2021</b>	Type of application: <b>Expedited Review</b>

### Summary of Application

3. The application for an expedited review was received on 14 October 2021
4. This matter was brought before the licensing sub-committee on 15 October 2021. They were advised that the records held by the Council indicated that Mrs Wahida Khatun held the premises licence and was also the Designated Premises Supervisor (DPS).
5. Following a query in respect of this, an investigation by the Licensing Authority, showed that an application was made in January 2019 to remove Mrs Khatun from the licence both as the premises licence holder and the DPS. The licence therefore should have been transferred to Mr Mintu. The Authority has apologised to Mrs Khatun for this process failure.
6. On 21 October 2021 the expedited review papers were served on the correct premises licence holder.
7. A hearing was held on 22 October 2021 within the required 48 hours.

8. At that hearing the committee heard from West Mercia Police only, as the premises licence holder failed to attend, even though papers were served on him and signed for.
9. The Committee decided to suspend the licence with immediate effect (appendix 2).
10. The Licensing Authority did not receive any objection to the interim steps proposed.

### **Current Licence**

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

Licensable activities authorised by the licence

Late Night Refreshment (Indoors) & Sale/Supply of Alcohol (For consumption on the premises)

Late Night Refreshment: Monday – Sunday 23:00 – 23:59

Sale/Supply of Alcohol: Monday – Sunday 17:00 – 23:59

### **Summary of Representations**

12. One (1) representation has been received from Home Office Immigration Enforcement (appendix 4).

### **Community impact**

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

### **Environmental Impact**

14. 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 the licensing authority.

### **Equality duty**

15. 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.
16. There are no equality issues in relation to the content of this report.
17. 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.
18. 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**

19. 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 the licensing authority.

### **Financial implications**

20. There are unlikely to be any financial implications for the Council as licensing authority at this time.

### **Legal implications**

21. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.

22. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the licensing authority are set out in section 1 of this report.
23. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
24. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
25. A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
26. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
27. This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:
28. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
29. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

30. Schedule 5 of the Licensing Act 2003 gives a right of appeal which states:  
Decision to grant premises licence or impose conditions etc.
  - 1) This paragraph applies where a licensing authority grants a premises licence under section 18.
  - 2) The holder of the licence may appeal against any decision—
    - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or



- (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
  - 3) Where a person who made relevant representations in relation to the application desires to contend—
    - (a) that the licence ought not to have been granted, or
    - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
  - 4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).
31. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

## **Risk management**

32. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

## **Consultees**

33. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

- Appendix 1 - Application Form for Expedited Review
- Appendix 2 – Hearing Decision Notice from 22 October 2021
- Appendix 3 – Current Premises Licence
- Appendix 4 – Home Office Immigration Enforcement Representation

## **Background papers**

None identified



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 disorder<sup>1</sup>

*Premises*<sup>2</sup>

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 <sup>3</sup> 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, because<sup>4</sup>

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

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<sup>1</sup> Delete as applicable

<sup>2</sup> Include business name and address and any other relevant identifying details

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

<sup>4</sup> 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

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**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 8<sup>th</sup> 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: 12<sup>th</sup> 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](mailto: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.





**LICENSING-SUB COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)**

<b>PREMISES</b>	Razbari Indian Restaurant, 156 Eign Street, Hereford. HR4 0AP
<b>PREMISES LICENCE HOLDER</b>	MD Masud Ruhel Mintu
<b>APPLICANT'S NAME</b>	PC 2368 Chris Lea – Police Licensing Officer on behalf of the Chief Officer of Police for the West Mercia Police Area
<b>APPLICATION TYPE</b>	Expedited licence review
<b>PANEL MEMBERS</b>	Councillor Sebastian Bowen (Chairperson) Councillor Polly Andrews Councillor John Hardwick
<b>DATE OF MEETING</b>	22 October 2021

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. Members then heard representations from PC Chris Lea, the Police Licensing Officer.

The Premises Licence Holder, MD Masud Ruhel Mintu was not in attendance. The Licensing Technical Advisor advised the Committee that as the Council did not have an email or a contact telephone number for Mr Mintu, papers had been served to him at the postal address and there had been confirmation that these papers had been received.

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.

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.

**LICENSING-SUB COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)****REASONS**

The licensing sub-committee had heard the representations and evidence from the licensing technical officer and West Mercia Police, as the applicant for the expedited review. The Members considered that the evidence showed that a serious offence had been committed at the premises and noted the concerns felt by Environmental Health and the Fire Service.

The licensing sub-committee had considered whether any lesser or alternative steps would be appropriate but felt that such steps would not address their concerns.

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

**ADDITIONAL INFORMATION**

- 1 The Committee is required to review the premises licence in full within 28 days of the application for an Expedited licence review made on 22 October 2021.
- 2 The review has been set for 5 November 2021 at 2:30 pm.
- 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.

**APPEAL INFORMATION**

Under Schedule 5 Paragraph 8A of the Licensing Act 2003, the premises licence holder, an individual who made relevant representations or the chief officer of police, may appeal against the decision in relation to the review following review notice. In addition, under Schedule 5 Paragraph 8B of the Licensing Act 2003 the premises licence holder or the chief officer of police decision under Section 53D may appeal in relation to the interim steps.

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

**Premises licence number PR01375 (App to Transfer & Vary Premises DPS)**

**Part 1 - Premises details**

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

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

Licensable activities authorised by the licence  
**Late Night Refreshment (Indoors)  
Sale/Supply of Alcohol (For consumption on the premises)**

The times the licence authorises the carrying out of licensable activities  
**Late Night Refreshment  
Monday – Sunday 23:00 – 23:59**  
**Sale/Supply of Alcohol  
Monday – Sunday 17:00 – 23:59**

The opening hours of the premises  
**Monday – Sunday 17:00 – 23:59**

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

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence  
**MD Masud Ruhel Mintu**  
[REDACTED]  
[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

**MD Masud Ruhel Mintu**

[REDACTED]  
[REDACTED]  
[REDACTED]

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:** [REDACTED]

**Issuing authority:** [REDACTED]

### **Annex 1 - Mandatory conditions**

#### **Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### **Free Drinking Water**

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

#### **Age verification**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

#### **Small Measures**

4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

#### **Mandatory conditions where licence authorises 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
- (a) 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.

#### **Door supervision**

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

#### **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 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 (App to Transfer & Vary Premises DPS)**

**Premises details**

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

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

Licensable activities authorised by the licence  
**Late Night Refreshment (Indoors)  
Sale/Supply of Alcohol (For consumption on the premises)**

The times the licence authorises the carrying out of licensable activities  
**Late Night Refreshment  
Monday – Sunday 23:00 – 23:59**  
**Sale/Supply of Alcohol  
Monday – Sunday 17:00 – 23:59**

The opening hours of the premises  
**Monday – Sunday 17:00 – 23:59**

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

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence  
**MD Masud Ruhel Mintu**  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

**MD Masud Ruhel Mintu**

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**





**Immigration Enforcement  
Representation in respect of a Premise Licence**

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations for the following premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

Home Office (Immigration Enforcement) wishes to make representations on the following:

*(Select as appropriate)*

		<b>Please select</b>
<input checked="" type="checkbox"/>	Application for a premises licence review	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Application for the transfer of an existing premises licence	<input type="checkbox"/>
<input type="checkbox"/>	Application for a premise licence	<input type="checkbox"/>

**Premises Licence Details**

**Licensing Authority Application Reference Number:**

**Immigration Enforcement Reference Number:**

**Premises Licence Holder:**

**Premises Address:**

**RAZBARI INDIAN RESTAURANT**

**156, Eign Street**

**Post Town:**

**Hereford**

**Post Code:**

**HR4 0AP**

**Details of Responsible Authority**

**Name and Address:**

Home Office Immigration Enforcement,  
Alcohol and Late-Night Refreshments Licensing Team,  
[REDACTED]  
[REDACTED]  
[REDACTED]

Daytime Telephone  
Number:

Email address  
(optional):

#### Home Office Representations are being made to:

	Please select
In support of an application for the review of a premises licence	<input checked="" type="checkbox"/>
Request that conditions be attached to the premises licence	<input type="checkbox"/>
Objection to the grant of a premises licence to the applicant	<input type="checkbox"/>

#### Representations are being made for the following reasons

On Friday 8th October 2021 a joint agency operation involving officers from Immigration Enforcement, West Mercia Police, Herefordshire Council Environmental Health and Hereford & Worcester Fire and Rescue visited Razbari Indian Restaurant, 156, Eign Street, Hereford, HR4 0AP.

Seven workers were encountered. Home Office checks revealed that three of the workers had No Right to Work in the UK.

Following a full assessment of his circumstances one of the workers was arrested in accordance with paragraph 17(1) of the Immigration Act 1971 as amended as he was liable to be removed from the UK.

A second worker was not suitable for arrest and detention following a full assessment of his circumstances and he was informed he had been granted Immigration bail and escorted from the premises – paperwork to be issued via post.

The third worker had a pending application with the Home Office and therefore he was escorted from the premises.

An illegal working referral notice was served by special delivery to the business on 11/10/2021.

**Reasons for which there is a risk to the licensing objectives, and why the objection or conditions proposed are appropriate to prevent crime including illegal working in licensed premises**

Home Office (Immigration Enforcement) as a responsible authority-

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications.

In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working

We feel that this individual breaches the licensing objective - Prevention of crime and disorder.

The above findings constitute a risk of non-compliance.

**Signatures**

**Signature of Responsible Authority**

**Home Office Immigration Enforcement**

**Date:**

**18/10/21**

**Capacity:**

**Responsible  
Authority**

