

Agenda

Licensing sub-committee

Date: **Tuesday 7 December 2021**

Time: **10.00 am**

Place: **Online Meeting**

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.co.uk

If you would like help to understand this document, or would like it in another format, please call Democratic Services on 01432 260239 or e-mail Joanna.morley@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon (Chairperson)

Councillor Paul Andrews

Councillor Tony Johnson

Agenda

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. NOTIFICATION OF A STANDARD TEMPORARY EVENT NOTICE (TEN) IN RESPECT OF RAZBARI, 156 EIGN STREET, HEREFORD. HR4 0AP AND THE ISSUE OF AN OBJECTION NOTICE IN RESPECT OF THE TEN GIVEN BY WEST MERCIA POLICE - LICENSING ACT 2003

To consider the notification of a standard temporary event notices (TEN) in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP and the issue of an objection notice in respect of the TEN given by West Mercia Police.

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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- 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.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

RECORDING OF THIS MEETING

Please note that the council will be making a recording of this public meeting. These recordings form part of the public record of the meeting and are made available for members of the public via the council's website.

To ensure that recording quality is maintained, could members and any attending members of the public speak as clearly as possible and keep background noise to a minimum while recording is in operation.

Please also note that other attendees are permitted to film, photograph and record our public meetings provided that it does not disrupt the business of the meeting.

If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

Please ensure that your mobile phones and other devices are turned to silent during the meeting.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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.



Title of report: Notification of a standard Temporary Event Notice (TEN) in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP and the issue of an objection notice in respect of the TEN given by West Mercia Police – Licensing Act 2003

Meeting: Licensing sub-committee
Meeting date: Tuesday 7 December 2021 at 10:00am
Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards Affected

Hereford-Widemarsh

Purpose

To consider the notification of a standard temporary event notices (TEN) in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP and the issue of an objection notice in respect of the TEN given by West Mercia Police

Recommendation(s)

That:

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020-2025

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

1. There are two options available to the committee:
 - Issue a 'counter notice' (thus refusing the notice) if it considers necessary for the promotion of the licensing objectives, or
 - Refuse to issue a counter notice thereby authorising the Licensable Activity and hours as notified in the Temporary Event Notice

Key considerations

2. The details of the TEN are:

Applicant	Usha Begum	
Agent	Charles Denny	
Type of application: TEN Notification	Date received: 23 November 2021	72 hour period concluded 26 November 2021

3. **TEN Notification**

The notification of the Temporary Event Notice (appendix 1) has received an objection from a relevant person, West Mercia Police (appendix 2). It therefore is now brought before sub-committee to determine the notification.

4. **Summary of Notification**

The licensable activity notified is: -

Sale/Supply of Alcohol (consumption on and off the premises) 17:00 – 24:00 (each day)

Late Night Refreshment 23:00 – 24:00 (each day)

Details of Event

The purpose of this TEN is to enable the restaurant to provide a service to its dine in and take away customers to include the sale of alcohol by retail between the hours of 17:00 and 24:00 each day, and Late Night Refreshment from 23:00 until 24:00 from Wednesday 8th December through to and including Tuesday 14th December.

The four licensing objectives will be promoted at all times, with particular emphasis on avoiding any form of public nuisance especially between 23:00 and 24:00, and prevention of sales of alcohol to anyone under the age of 18 at all times.

The Challenge 25 age verification policy will be applied, and staff trained accordingly. Alcohol will only be sold ancillary to table meals on the premises, and only sold for consumption off the premises in accompaniment with a takeaway meal, and in sealed containers. The applicant, Usha Begum, is undertaking the APLH qualification on Thursday 25th November, in order to gain a full understanding of licensing law in advance of the TEN commencing

5. **Summary of Representations**

A relevant person, West Mercia Police, has made a written objection on 26 November 2021 on the grounds that the temporary event would undermine the Protection of Crime & Disorder Objective.

Community impact

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

Environmental Impact

7. This report is in relation to a temporary event notice 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 Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

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: -

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.

Right of Appeal

15. There is a right of appeal against the decision by either the person giving notification of the TEN or the relevant person. Such appeal must be made within 21 days of notification of the decision but not less than 5 working days before the event.
16. 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

17. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court

Consultees

18. The Police or an Environmental Health Officer are the only responsible authorities who are able to issue an objection notice under the act.

Appendices

Appendix 1 – TEN application
Appendix 2 – West Mercia Police Objection

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

TEN – Temporary Event Notice

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

CD/UB/TEN1

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Usha

* Family name

Begum

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Continued from previous page...

Have you had any previous or maiden names?

- Yes No

* Your date of birth

<input type="text"/>	<input type="text"/>	<input type="text"/>
dd	mm	yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither
- Premises licence
- Club premises certificate

Location Details

* Provide further details about the location of the event

The premises is currently trading as an unlicensed restaurant following revocation of the premises licence, following misdemeanors by the previous licence holders. Now under new management, this will be the first TEN served to enable the restaurant to sell alcohol temporarily within the limitations stated in the Licensing Act 2003

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

The restaurant area of the premises to which the public have access

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

The premises is an established Indian restaurant and takeaway currently trading without a premises licence between the hours of 17:00 and 23:00 7 days a week.

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

The purpose of this TEN is to enable the restaurant to provide a service to its dine in and takeaway customers to include the sale of alcohol by retail between the hours of 17:00 and 00:00 each day, and Late Night Refreshment from 23:00 until 00:00 from Wednesday 8th December through to and including Tuesday 14th December. The four licensing objectives will be promoted at all times, with particular emphasis on avoiding any form of public nuisance especially between 23:00 and 00:00, and prevention of sales of alcohol to anyone under the age of 18 at all times. The Challenge 25 age verification policy will be applied, and staff trained accordingly. Alcohol will only be sold ancillary to table meals on the premises, and only sold for consumption off the premises in accompaniment with a takeaway meal, and

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in sealed containers. The applicant, Usha Begum, is undertaking the APLH qualification on Thursday 25th November, in order to gain a full understanding of licensing law in advance of the TEN commencing.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

The Sale by Retail of Alcohol: 17:00 - 00:00
Late Night Refreshment: 23:00 - 00:00 each day

Continued from previous page...

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers
[\(see also guidance on completing the form, note 11\)](#)

70

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

none

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/herefordshire/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="CD/UB/TEN1"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

From: West Mercia Police
Sent: Friday, 26 November 2021 08:57
To: licensing@herefordshire.gov.uk
CC:
Subject: Razbari Ten application

Good morning

I note the TEN notice received in respect of the Razbari restaurant.

As you are aware the license was recently revoked following a review I launched in respect of illegal workers at the premises.

Until such times I can be satisfied that measures have put in place to ensure staff employed at the premises are legally allowed to work in the UK I will object to any notices submitted.

Please take this e-mail as a formal objection to the TENS notice as attached

Regards

MATES/Licensing/Dedicated Football Officer/Covid Bronze Officer
Harm Hub Hereford Police Station

