

## **Minutes of the meeting of Licensing sub-committee held as Online Meeting on Friday 12 August 2022 at 10.00 am**

**Present:** Councillor Paul Andrews (chairperson)  
Councillors: John Hardwick and Jeremy Milln

**Officers:** Licensing technical officer and Senior Solicitor

### **173. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **174. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

### **175. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **176. EXCLUSION OF PUBLIC AND PRESS**

Sub committee members were advised that supplementary information provided by West Mercia Police and the applicant in relation to the following agenda item had not been made publically available to prevent the disclosure of exempt information. The report of the licensing authority was able to be heard publically and their report and its appendices had been published.

It was recommended that the presentations on behalf of West Mercia Police and the applicant should be heard privately in order to prevent the disclosure of exempt information.

**It was resolved that using the principles under section 100(A)(4) of the Local Government Act 1972, the public be excluded from part of the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**Specifically, the presentations from West Mercia Police and on behalf of the applicant include:**

- **information relating to an individual;**
- **information which is likely to reveal the identity of an individual; and**
- **information relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

**177. APPLICATION TO TRANSFER A PREMISES LICENCE IN RESPECT OF:  
'BRAMPTON STORES, 25 SPRINGFIELD ROAD, ROSS-ON-WYE. HR9 7EX -  
LICENSING ACT 2003**

Members of the licensing sub-committee from 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 and the supplements issued on 9 and 11 August 2022.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee.

The sub-committee heard from West Mercia Police:

- A summary of the sequence of events detailed in the written submission which lead to the discovery and detention of a male at the premises who did not have the right to be working in the country;
- The applicant had misled the officer in attendance as to the presence and legal status of the male;
- The applicant was not fit to hold a license to sell alcohol and the transfer of the license would undermine the licensing objectives, specifically in relation to Prevention of Crime and Disorder;
- Other options had been considered but were not felt to be appropriate given the seriousness of the situation.

The sub-committee then heard from the applicant via their agent:

- The male had provided documents when first employed showing he had the right to work and had been properly entered onto the payroll of the business;
- The male was employed to work 20 hours per week as per his entitlement, any additional hours he spent at the store were on his own account;
- The male had not notified the applicant that his status had changed and that he no longer had the right to work, the male should be considered unreliable;
- Documents provided clearly showed the a legal rate of pay for the male given he was under 21 at that time;
- The home address of the male was in London as evidenced in the documents supplied, the space at the store was a rest space not a living space;
- The applicant had a history of working in the area with no previous issues, he had not sought to mislead the police officer as to the presence of the male as he believed that he had travelled back to London. Had he wished to hide the male, he could have warned the male to leave the building through the back door before the police entered the rest area.

Following questions from the sub committee, the following was confirmed:

- The applicant had not checked that the male was travelling to and from London as this was not his responsibility. There were no documents evidencing this travel;
- It was not clear why the male had given his address as being in Ross-on-Wye after his arrest;
- The applicant had been unaware that the male had not attended his educational establishment or that his right to work had changed;
- No furniture was provided to store clothing or other items in the rest area as it was not a living space, the suitcase of clothing pictured reflected the travel between London and Ross-on-Wye.

The sub committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The sub-committee's decision is to reject the request to transfer the premises licence to Judeamalathas Christian.

## **REASONS**

Having heard from the licensing authority, the police representative and the agent for the applicant and having regard to the written representations, information and evidence submitted in relation to this application the decision of the sub-committee is to reject the request to transfer the premises licence to Judeamalathas Christian.

The sub-committee had taken into account the representations and information submitted to the sub-committee as well as the reasons it was necessary for a sub-committee meeting to be convened. The sub-committee had considered that the police's information is credible and detailed and as such the transfer of the premises licence would undermine the licensing objectives, in particular the crime and disorder objective.

**178. APPLICATION TO VARY DESIGNATED PREMISES SUPERVISOR IN RESPECT OF:  
'BRAMPTON STORES, 25 SPRINGFIELD ROAD, ROSS-ON-WYE. HR9 7EX -  
LICENSING ACT 2003**

Following the rejection of the application to transfer the premises license earlier on this agenda, there was no valid application to vary the designated premises supervisor in front of the sub committee for determination.

The meeting ended at 11.19 am

**Chairperson**