

**Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 14 December 2023 at 10.00 am**

**Present:**                **Councillor Polly Andrews (chairperson)**  
                              **Councillor (vice-chairperson)**

**Councillors: Bruce Baker and Dave Davies**

**In attendance:**

**Officers:**                **Licensing technical officer and Senior Lawyer - Civil Litigation, Principal Licensing Officer, Democratic Services and West Mercia Police.**

**43.        APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the meeting.

**45.        DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**46.        EXCLUSION OF PUBLIC AND PRESS**

The Sub-Committee agreed the exclusion of the public consistent with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED: that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting as it is considered that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public**

**47.        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**

Members of the Licensing Sub-Committee of the council's Planning and Regulatory Committee considered a review of the Razabari premises licence following an application for an expedited review. Full details of which appeared before the members in their agenda.

Prior to hearing the matter, Ms Alexandra Wills, representing the Licence Holder raised a point of clarification regarding the statement from the licensing authority referencing an earlier revoked licence concerning Razbari in 2021. Its relevance to the current proceedings was questioned given that the management and licence holder at that time were different to the current licence holders. Ms Wills submitted that the inclusion of this information was prejudicial to her client. Mr Spriggs explained that the current

review concerned a premises licence at Razbari; the same premises had been the subject of the 2021 review therefore mention in the Licensing Authority's representation was relevant.

Mr Fred Spriggs, Principal Licensing Officer, Herefordshire Council responded that he was content to remove mention of the earlier revocation of the premises licence from the representation from the licensing authority.

The Licensing Technical Officer presented the report which outlined the options available to the Sub-Committee.

PC Dean Wall, representing West Mercia Police explained:

- Police and Licensing Officers had visited Razbari on 16 November 2023 where they spoke to an employee;
- The employee could not provide evidence that they were currently undertaking studies;
- In later statements the employee had stated that he was working full time and was not at university;
- The employee was resident at an address in Breinton Road along with other employees of Razbari;
- During the visit a number of breaches of licensing conditions had been identified;
- Due to the alleged illegal activities on the premises and the breach of licensing conditions the police were requesting a revocation of the premises licence.

Ms Alexandra Wills, on behalf of the licence holder, raised the following queries in relation to the statement from the Police:

- Clarification was sought that when the employee was arrested they were unable to provide evidence of their studies in the UK.
- It was queried whether the employee was required to have evidence of their studies whilst at work in the restaurant;
- Clarification of the reference of the Police to criminality at the premises was sought. *PC Wall replied to explain the term criminality referred to the employment of a person above the hours permitted by their visa.*

PC Wall replied to Ms Wills' first point to explain this was evidenced in the statements to the Police and the Immigration Services. The statement to the Immigration Service had been made with an interpreter present.

Mr Spriggs, Principal Licensing Officer, Herefordshire Council explained

- He had been present on the visit to Razbari on 16 November 2023 and had observed that the premises was in breach of the conditions set out in the premises licence.
- Photographic material (taken on 21 November 2023) submitted by the licence holder to the previous hearing of the Sub-Committee on 22 November 2023 clearly showed that the breaches of the conditions:
  - The cameras in the restaurant did not cover the whole area;
  - There was no CCTV monitor in place;
  - There was no summary of the licence available;
  - There were no challenge 25 notices displayed; and
  - The elements of the licence displayed behind the bar were not relevant sections for display.
- The Licensing Authority supported the request for the revocation of the licence as the current licence holder did not promote the licensing objectives.

Ms Alexandra Wills, spoke on behalf of the licence holder:

- Revocation would be a draconian step, and other options were available to the Sub-Committee;
- The way in which the review had been presented did not provide a fair hearing. It was submitted that the employee had the right to enter the UK and to work;
- The employee's payslip stated that he worked 18 hours a week, below the 20 hour limit of his visa conditions;
- There was inconsistency concerning the hours the employee worked between the Police/Immigration Service statements and the later statement provided by the employee. The employee had been put under pressure and the evidence in the earlier statements had been procured under unfair conditions. This may have led to the employee having misspoken.
- There was no audio/video recording of the employee's interview therefore the Sub-Committee would have to rely on evidence available including the testimony that the employee could provide in this hearing;
- The employee had the right to enter, work and study in the UK. He had the right to work up to 20 hours per week and full time during holidays/out of term time;
- The employee attended Glasgow periodically for his studies.

In response to questions from the Sub-Committee the employee explained:

- He worked at Razbari for 2 weeks;
- He came to Hereford from Scotland in March 2023;
- He was studying for an MBA;
- He did not have evidence of his studying with him to present to the meeting;
- He did have the address of the University at which he was studying and a letter confirming he was a student.
- He had evidence on his phone that he had undertaken classes online. His course offered online courses only.

The Principal Licensing Officer explained that a condition of student visas included the requirement for classroom based lessons and assessments.

Ms Wills explained that a number of statutory requirements had been relaxed during the coronavirus pandemic to allow for remote participation to aid social distancing.

Ms Alexandra Wills, spoke on behalf of the licence holder:

- The current hearing was not the correct forum to debate immigration issues;
- It was important to establish if the employee had exceeded the permitted 20 hours per week working entitlement during term time;
- The employee had been placed under pressure to sign the statement during the interview with the Immigration Service which explained the inconsistency between the hours worked in the statement and the testimony that the employee now provided;
- The representation from the Licensing Authority that Razbari was in breach of all conditions was unfair;
- The Licensing Authority should assist and provide guidance to help premises promote the licensing objectives;
- The Licence Holder and restaurant felt targeted;
- Mention of the revocation of the licence at the premises in 2021 was unfair;
- The employee had the right to enter and remain in the country;
- The breach of the licensing condition to produce a copy of the licence at the time of the Police visit was not an insurmountable problem and could be put right easily; to recommend the revocation of the licence on such grounds was disproportionate;

- With regard to the training of staff no issues had been identified with the sale of alcohol to under 18s;
- The Challenge 25 posters were not prominently positioned in the restaurant but this could be easily corrected;
- The employee's visa had been revoked and the restaurant will undertake to not employ them again. During their employment at the restaurant they had worked 18 hours per week in accordance with their visa restrictions;
- The register of refusals and log book was a condition that the Licensing Authority should assist the Licence Holder to meet;
- The Licence Holder was seeking to comply with the licensing conditions.
- The request to revoke the licence should be considered carefully by the Sub-Committee; there were alternatives including modification of conditions or suspension.

Mr Suhag (Licence Holder), spoke on behalf of Razabari Restaurant to confirm that steps that were raised by Mr Spriggs and PC Wall have been taken since the suspension of the licence.

Mr Suhag further explained:

- All staff had been trained by the DPS before the visit from the Police and after;
- All documents relating to staff training were not available at the time of the Police visit as they were on email. They have now been printed and are available;
- He is prepared to undertake more actions if required to meet conditions;
- The later statements from the employee explained that they did not work more than 18 hours per week;
- The employee's visa had been cancelled after interview with Immigration on 5 December at which they were very nervous and do not remember what they said;
- The employee had travelled 7 hours to the hearing to tell the truth;
- A number of staff and families livelihoods were dependent on the business.

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 for a period of 3 months.

## **REASONS**

The members of the Sub-Committee, having considered all the evidence together and the points which was raised by the Licensing authority, West Merica Police, the represtanvie of the Premises Licence Holder, the Premises Licence Holder and the employee. The committee members felt that it was reasonable and proportionate to suspend the licence for 3 months.

Therefore the decision of the Sub-Committee is to suspend of the licence for 3 months. 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 meeting ended at 12.55 pm

**Chairperson**