

Minutes of the meeting of Licensing Sub-Committee held at Online/Conference Room 2 on Friday 1 December 2023 at 2.00 pm

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

Councillors: Bruce Baker and Dave Davies

Officers: Licensing technical officer, Senior Lawyer - Civil Litigation and Principal licensing officer

33. APOLOGIES FOR ABSENCE

No apologies for absence were received.

34. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

35. DECLARATIONS OF INTEREST

There were no declarations of interest made.

36. 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

37. TO CONSIDER REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 22 NOVEMBER 2023 BY THE LICENSING SUB-COMMITTEE FOLLOWING AN APPLICATION FOR AN EXPEDITED /SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE RELATING TO THE RAZBARI, 156 EIGN STREET, HEREFORD. HR4 0AP

Members of the Licensing Sub-Committee of the council's Planning and Regulatory Committee considered a representation received on behalf of the licence holder, full details of which appeared before the members in their agenda and two supplements published on 30 November 2023 and 1 December 2023.

Prior to making its decision the Licensing Technical Officer presented the report which outlined the options available to the Sub-Committee and members heard representations from representatives of the Premises Licence Holder, Mr MD Siddikur Rahman Suhag and Mr Musthak Ahmed and PC Dean Wall, the Police Licensing Officer.

Mr Musthak Ahmed and Mr MD Siddikur Rahman Suhag introduced the evidence provided in their request for an interim review of the suspension of the licence. It was explained to the Sub-Committee that the witness statement given by the employee of Razbari was inconsistent with the statements from the Police and Immigration Service circulated in the supplements. Without cross-examination of the detail contained in all the statements, it was not possible to establish the correct record of events. The licence holder had undertaken all necessary pre-employment checks. The licence holder was prepared to comply with additional conditions to allow for a resumption of the licence.

PC Dean Wall, representing West Mercia Police, explained that the additional statements from the Police and Immigration Service substantiated the initial evidence provided by the Police. The Police objected to additional conditions to allow for the resumption of the licence which should remain suspended.

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 maintain the suspension of the licence as an interim step until the full review is held.

REASONS

The Licensing Sub-Committee has heard from the Licensing Technical Officer, West Mercia Police, Mr Suhag and the Premises Licence Holder's legal representative Mr Musthak Ahmed of Lawmatic Solicitors who has provided authority that he is instructed on behalf of the Premise Licence Holder.

The Sub-Committee has heard the submissions from the Licensing Technical Officer and noted the contents of the licensing report and attached documents.

The Sub-Committee has paid careful attention to the submissions of both Mr Suhag and legal representative Mr Ahmed and has carefully considered the further evidence submitted on behalf of the Premises Licence Holder, in particular the written representation and statement provided.

The Sub-Committee has considered the further supplementary evidence provided in the form of an interview transcript and statement.

The members of the Sub-Committee, having considered all the evidence together, felt that there was no persuasive reason at this stage to change the Sub-Committee's decision made on 22 November 2023.

Therefore the decision of the Sub-Committee is to maintain the suspension of the licence as an interim step until the full review is held. 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 14 December 2023 at 10:00 a.m.