

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 2, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 21 December 2023 at 3.30 pm

Present: Councillor Polly Andrews (chairperson)

Councillors: Bruce Baker and Dave Davies

In attendance:

Officers: Senior Lawyer – Civil Litigation, Principal Licensing Officer and Principal Environmental Health Officer Environmental Protection

53. APOLOGIES FOR ABSENCE

No apologies for absence were received.

54. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made.

56. EXCLUSION OF PUBLIC AND PRESS

57. TO CONSIDER WHAT ACTION IF ANY SHOULD BE TAKEN AGAINST THE INTERIM STEPS IMPOSED ON 22 NOVEMBER 2023 AND 14 DECEMBER 2023 BY THE LICENSING SUB-COMMITTEE FOLLOWING AN APPLICATION FOR AN EXPEDITED REVIEW OF THE PREMISES LICENCE RELATING TO THE RAZBARI, 156 EIGN STREET, HEREFORD. HR4 0AP

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.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. The committee members also heard from the Licensing Authority, West Mercia Police, Ms Wills, Counsel for the Premises Licence Holder and Mr Suhag. It is noted that an interpreter was available during the hearing.

PC Wall representative of West Mercia Police summarised the position of the Police and submitted that the interim steps, set out on the 18 December 2023, should remain in place in order to promote the licensing objectives, specifically the prevention of crime and disorder.

The sub-committee heard from Ms Wills (representative of the premises licence holder) that:

- Mr Suhag would like to have the interim steps lifted following some mitigating measures that have been introduced addressing the concerns of the Licensing Authority and the Police; notably enlarging the challenge 25 notice as advised previously in the review of the 18th December 2023.
- Ms Wills stated that the continued suspension of the licence, at one of its busiest times of year, would have a significant financial impact upon the business, the individual's dependent on the business and the local economy.
- The employment of an alleged to ineligible worker is no longer an issue as that individual is no longer in employment as he not entitled to be in the United Kingdom.
- The sub-committee noted and considered the evidence that was presented at the meeting of the employee's online tutoring and lecturing at university. However, the sub-committee having considered the new evidence presented, the committee gave it the appropriate weight in the circumstances, when making their decision. The issue relating to the size of the CCTV monitor – which didn't provide sufficient coverage of the restaurant – during the initial visit had been addressed.
- Mr Suhag placed on record his willingness to take on advice from the council and extended an invitation to Mr Spriggs to visit the premises.

The Sub Committee invited Mr Suhag to speak but he did not wish to do so at this time. However Mr Suhag did speak prior to the conclusion of the meeting and reiterated he has been working to address the issues identified by the Police and the Licensing Authority and would continue to work with the agencies to ensure he was compliant with his licence conditions.

The sub-committee carefully considered all the representations, reports and evidence before them. 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, in accordance with section 53D of the Licensing Act 2003, is to maintain the interim step of suspending the Premises Licence.

REASONS

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 also heard from PC Wall on behalf of West Mercia Police and Fred Spriggs on behalf of the Licensing Authority.

The Sub-Committee has paid very careful attention to the submissions of Ms Wills on behalf of the Premise Licence Holder and notes that it is the Premises Licence holder's position that he has addressed the majority of the concerns identified regarding the licence conditions. It was also confirmed that the employee no longer works at the restaurant.

Mr Suhag assured the Sub-Committee he was actively addressing the concerning issues being considered by the Sub-Committee.

The Sub-Committee noted that West Mercia Police were recommending that the interim step to suspend Premises Licence should remain in place.

The members of the Sub-Committee, having considered all the evidence together, felt that it was reasonable and proportionate to continue with the interim step of suspension.

Therefore the decision of the Sub-Committee is to continue with the Premises Licence Suspension. 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 4.40 pm

Chairperson