

**Minutes of the meeting of Licensing Sub-Committee held at
Online meeting / Conference Room 1 - Herefordshire Council,
Plough Lane Offices, Hereford, HR4 0LE on Wednesday 9 July
2025 at 10.00 am**

Present: Councillor Polly Andrews (chairperson)

Councillors: Bruce Baker and Peter Hamblin

Officers: Licensing technical officer and Senior Lawyer - Civil Litigation

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. EXCLUSION OF PUBLIC AND PRESS

Sub committee members were advised that due to the nature of the information to be presented it was recommended that items 5 on the agenda be heard in private.

It was resolved that 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.

5. REVIEW OF A PREMISES LICENCE IN RESPECT OF: TASTE OF RAJ, 67 ST OWEN STREET, HEREFORD, HR1 2JQ CALLED BY THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY- LICENSING ACT 2003

Members of the Licensing Sub-Committee of the council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and the reports and supplement published on 1 July 2025 and supplement published on 8 July 2025.

Prior to making its decision, the Licensing Technical Officer presented the report which outlined the options available to the Sub-Committee and representations were heard from Harry Spriggs on behalf of the licensing authority.

Mr Spriggs, representing the licensing authority, provided details of the operations conducted by the multi-agency tasking and enforcement operation on 2 May 2025 and details of the ongoing investigation following the operation. It was explained that during

the time of the raid it was observed that the premises was employing individuals who did not have the right to work in the UK and a number of conditions on the licence were not being followed. The Sub-Committee was informed of the section 182 guidance and actions that may be taken in the event of illegal immigrants being found working at a premises with a licence. Following the transgression of conditions added to the licence after previous immigration offences the licensing authority sought the revocation of the licence.

West Mercia Police and the Immigration Service addressed the Sub-Committee with details of the operation on 2 May 2025.

The premises licence holder provided evidence to the Sub-Committee.

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 following a review of premises licence is as follows:

The premises licence shall be revoked.

REASONS

The Sub-Committee has taken into account all the evidence provided with the application for review, brought by the Licensing Authority, presented in reports by Senior Licensing Officer, Emma Bowell and Harry Spriggs, Licensing Officer. The evidence the Sub-Committee considered was produced from a Multi-Agency Operation that took place on 2 May 2025 and Officers from West Mercia Police and the Immigration Service who were present during that operation attended the hearing.

The Sub-Committee notes that the grounds for review are the prevention of crime and disorder, in particular, the prevention of illegal working and immigration crime at a licensed premises.

It was recognised that these are serious offences and that the request for a review was justified.

The Sub-Committee considered the written submissions of the Premises Licence Holder carefully.

The Sub-Committee considered the evidence provided by the Premises Licence Holder including statements provided in advance of the hearing and the verbal submissions at the hearing. The Sub-Committee was not persuaded by the Premises Licence Holder's submissions that the individuals in the kitchen were not working but were present for a social event. It was the Sub-Committee's view that there was convincing evidence provided by the Police and the Immigration Service that the individuals were seen in the kitchen and were performing 'work related activities', in that the individuals were seen preparing food; there was also photographic evidence of one individual dressed in what seemed to be 'work uniform'.

Overall, the Sub-Committee preferred the evidence provided by the Police and Immigration Service, to the evidence provided by the Premises Licence Holder.

The Sub-Committee was very concerned that there was evidence of a failure to comply with licensing conditions and that there had been a previous review of this licence for similar issues.

Taking into account the statutory guidance, the Sub-Committee was aware that where reviews arise and the licensing authority determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered, but, this was not the first instance.

The Sub-Committee considered that this breach of immigration law is serious, together with the previous breach of the licence for the same issue.

The Sub-Committee considered all options available to them, including whether additional conditions would be appropriate in this case. Based on the evidence presented to them, the Sub-Committee was not convinced that the premises licence holder will adhere to his licence conditions in the future.

6. EXCLUSION OF PUBLIC AND PRESS

Sub committee members were advised that due to the nature of the information to be presented it was recommended that items 5 on the agenda be heard in private.

It was resolved that 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.

7. REVIEW OF A PREMISES LICENCE IN RESPECT OF: JALSAGOR, 60 ST OWEN STREET, HEREFORD HR1 2JQ CALLED BY THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY - LICENSING ACT 2003

Members of the Licensing Sub-Committee of the council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and the reports published on 1 July 2025 and the three supplements published on 8 July 2025.

The Chairperson to the Sub-Committee explained that there were two preliminary issues concerning the review of Jalsagor:

- Firstly, the Chairperson noted that an application to transfer the premises licence was received on 12 June 2025, seeking to transfer the licence to Spice of Hereford Limited, the application was ticked with the immediate effect. West Mercia Police had objected to the transfer application and it is listed for determination at a Licensing Sub-Committee on 4 August 2025. Therefore, a decision was pending for the transfer of the licence.
- Secondly, important additional information regarding the review had been received on 8 July from a number of parties with very little time ahead of the hearing for it to be properly considered by the Sub-Committee.

The Licensing Technical Officer explained the process for the transfer of the licence and the objection received from the Police which had necessitated a decision on the application by the Sub-Committee.

The legal adviser provided advice that the Sub-Committee had two options available. It could continue with the hearing or adjourn until the premises licence transfer had been determined and to allow sufficient time for the additional information to be properly considered.

The representative of the premises licence holder explained that he and his client were prepared to proceed with the review. In the event that the consideration of the review was deferred it was explained by the representative for the premises licence holder that the review should be determined prior to the transfer of licence.

DECISION

The Sub-Committee's decision following consideration of 2 preliminary issues is as follows:

The Review Hearing shall be adjourned for the following reasons.

The Sub-Committee considers that the application to transfer the premises licence received on 12 June 2025, and objected to by West Mercia Police should be determined prior to the Review application so that the Sub-Committee are clear who the premises licence holder is when considering the Review of the Licence. Therefore, both the Transfer Application and the Application for Review shall be listed for determination at a Licencing Sub-Committee meeting on 4 August 2025.

Further, the Sub-Committee considered receiving a significant amount of additional evidence submitted, by a number of parties, shortly before the hearing on 9 July. This has placed the members of the Sub-Committee in a difficult position as they have had very limited time to consider this information and fully process it in readiness to proceed with the hearing and make a decision.

Therefore the Review Hearing shall be adjourned to 4 August 2025:

- To allow the application for the transfer of the premises licence to be determined; and
- To provide further time for all parties to consider the further evidence submission to be fully considered.

The meeting ended at 12.35 pm

Chairperson