

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Monday 4 August 2025 at 10.00 am

Present: Councillor Polly Andrews (chairperson)

Councillors: Dave Davies 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.

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. APPLICATION TO TRANSFER A PREMISES LICENCE IN RESPECT OF:
JALSAGOR, 60 ST OWEN STREET, HEREFORD HR1 2JQ - 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 25 July 2025.

Prior to making its decision, the Licensing Technical Officer presented the report which outlined the options available to the Sub-Committee.

Members heard representations from West Mercia Police and the Home Office Immigration service.

West Mercia Police made the following principal points:

- The Police objected to the transfer application on the grounds of the prevention of crime and disorder licensing objective
- The premises licence was currently under review due to an operation recently which had discovered an illegal worker in the kitchen of Jalsagor. The employment of illegal workers was considered a serious crime.
- On 2 May 2025 a joint partnership operation took place at Jalsagor and the applicant for the transfer of licence was present at the premises acting as the Designated Premises Supervisor (DPS). The illegal worker had been found in the kitchen, working in breach of his visa conditions.

The immigration service (who were present at the hearing to assist West Mercia Police) made the following principal points:

- The Home Office Immigration Service were in attendance when the operation was conducted on 2 May 2025 and encountered an illegal worker at the restaurant.
- A licence had first been granted to Jalsagor in 2006 and since this time a number of illegal workers had been discovered working at the premises.

The legal representative of the applicant made the following principal points:

- It was confirmed that the applicant had not been involved with the premises prior to April 2025 and therefore the history of offences outlined by the Police and Immigration Service was not relevant to the determination of the application to transfer the licence.
- The applicant for the transfer of licence did not accept the contention that he was aware of illegal worker. He had commenced his involvement with the restaurant on 1 April and had no knowledge of illegal workers before that time. He had first met the alleged illegal worker on 1 May.
- Checks had been undertaken online regarding the status of the employee. The checks had indicated that the worker was allowed to work for their sponsor and part time, up to 20 hours per week in a supplementary role. The role in the kitchen had been checked and it was defined as a permissible role to undertake. Evidence contained in the bundle of papers showed that checks had been undertaken on the status of worker.

Following questions it was confirmed:

- To provide clarification, in response to a question regarding the experience of the applicant, it was confirmed that this was the first business the applicant had owned and run. He had no previous experience of employing people and this was his first attempt at running a restaurant.
- In response to a question regarding what had been put in place to avoid a repeat of the issues it was confirmed that the applicant had received legal advice and that the applicant was aware of how to undertake employment checks.
- There was no evidence contained in the bundle of the company used to undertake the pre-employment checks or who had undertaken the checks. It was highlighted that the applicant had attempted to undertake checks to ascertain the right of individual to work.

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 an application to Transfer the premises licence for Jalsagor is as follows:

The premises licence shall be transferred to Spice of Hereford Limited.

REASONS

The Sub-Committee has fully considered the detailed report by Senior Licensing Officer Emma Bowell, the application and written representations in the report pack, as well as the evidence presented at the hearing by the representative of the applicant and the applicant who attended the hearing. The Sub-Committee also considered the evidence presented by West Mercia Police assisted by the Immigration Service.

The Sub-Committee has taken into account the relevant policy and guidance.

It was recognised that these are serious offences and that the objection to transfer the premises licence received from West Merica Police was justified and should be considered by the Sub-Committee.

The Sub-Committee considered the submissions of the Police and Immigration Service and noted that there was a significant history of employing illegal workers at this premises. The Sub-Committee further noted that the Premises Licence had been reviewed previously and conditions imposed on the licence.

The Sub-Committee noted the submissions of the representative of the applicant and the applicant who explained that the history of the premises did not apply to the current applicant. The current applicant had only been involved with the premises since April 2025.

The Sub-Committee took into account the length of time that the licence had been held by the proposed Premises Licence holder and advice had been received in respect of licensing conditions for the restaurant and the appropriate checks to undertake when employing people. These were significant factors in the mind of the Sub-Committee.

Taking into account the statutory guidance, the Sub-Committee was aware that where the crime prevention objective is being undermined, this should be taken seriously and, in this case, it has been.

The Sub-Committee determined that breaches of immigration law are serious, together with the previous breaches of the licence and history of the premises. However, on this occasion, based on the submissions on behalf of the proposed Premises Licence holder and the evidence presented, the Sub-Committee was willing to give the applicant the benefit of the doubt on this occasion and grant the transfer of the premises licence.

The meeting adjourned at 11:15 a.m.; the meeting reconvened at 1:00 p.m.

6. EXCLUSION OF PRESS AND PUBLIC

Sub committee members were advised that due to the nature of the information to be presented it was recommended that items 6 on the agenda be heard in private.

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 25 July 2025.

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 Nik James on behalf of the licensing authority.

Mr James, 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 operation it was observed that the premises was employing illegal workers and several 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 working being found to have been employed at a premises with a licence. A number of licence reviews concerning Jalsagor had been undertaken previously and the history of these reviews was outlined. Due to this long history of immigration offences the licensing authority sought the revocation of the licence.

West Mercia Police made the following principal points:

- West Mercia Police supported the review, there was a long history of immigration offences at the premises and evidence of a lack of adherence to the terms of the licence.
- On 2 May 2025 an illegal worker had been discovered working in the kitchen.

The immigration service made the following principal points:

- Intelligence of illegal workers at Jalsagor had led to the operation conducted on 2 May 2025. During the operation an illegal worker was witnessed working in the kitchen.
- The restaurant had a history of illegal workers.
- The circumstances of employment at the restaurant and the residence of workers on the premises was a cause for concern.

The Fire and Rescue Service made the following principal points:

- The Fire Services had attended the operation on the 2 May and supported the application due to fire safety issues discovered on the premises.

The legal representative of the premises licence holder referred to the application made by the licensing authority. In summary, he explained that:

- On behalf of the client the application for review was opposed. The client did not agree with the comments made by relevant authorities and had no involvement in the history of the premises or the earlier immigration offences.
- In assessing the problems at the premises, concerning immigration matters, the sub-committee should seek to determine the root cause. It could not be claimed that the new premises licence holder was culpable as he had no earlier involvement with the restaurant and had sought to undertake proper checks before employing staff.

- Evidence had been provided that the new premises licence holder had taken on the restaurant and met all ongoing responsibilities such as business rates, council tax and had become the new designated premises supervisor.
- With respect to the illegal worker all information had been requested and retained including resident permits, passport, national insurance number and the right to work share code.
- The premises licence holder had attempted to ensure compliance with conditions on the premises licence.
- The bundle of evidence included the records which had been received regarding the illegal worker. They were convincing and persuasive records which appeared to show that the worker had the right to work.
- The problems and issues raised by the Fire and Rescue Service related to the residential element of the building and were not relevant to the decision to be made in relation to the premises licence. It was the client's contention that the issues raised by the Fire and Rescue service had been resolved.
- The current premises licence holder No involvement in the history of the premises.

Following questions it was confirmed:

- The premises licence holder confirmed he made extensive checks before taking over the premises.

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 the Premises Licence for Jalsagor is as follows:

The premises licence shall be suspended for a period of 3 months.

It is also considered appropriate that conditions be added to the Premises Licence in respect of the following areas:

Conditions to be included on the licence

Prevention of Crime & Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs and where the public have access to. CCTV must be able to capture faces of individuals as they enter the restaurant. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days. The Premises Licence Holder must always ensure all staff are capable and competent at downloading CCTV footage in recordable media format and be able to produce it to a Police Officer and/or an authorised Local Authority employee on demand. The CCTV equipment shall be kept in a secure environment under the control of the DPS or another responsible named individual. An operational log report must be maintained endorsed by signature, indicating the system has been checked and is compliant daily. In the event of the CCTV failing, what actions are taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence

holder/DPS MUST report the failure to the Police on contact number 101 and Council Licensing Department at licensing@herefordshire.gov.uk immediately.

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police,

which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (gf) any visit by a relevant authority or emergency service

The DPS shall inspect and sign the incident log weekly to ensure that it is being properly maintained.

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB Level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there is existing staff, this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003) or the Police. The log book must record the following:

- a) Details of all persons employed at the premises in any capacity.
- b) Date of birth of the person.
- c) The full name of the person.
- d) Their current address.
- e) Their national insurance number.
- f) Their passport details.
- g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
- h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

The premises licence holder shall permanently engage the services of an immigration advisor, as agreed in writing with the licensing authority, who shall undertake a review of all existing employees at the premises and to check entitlement to live and work in the UK and thereafter independently verify prospective employees' right to live and work in the UK prior to the employee being engaged to work at the premises

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

REASONS

The Sub-Committee has fully considered the detailed report by Senior Licensing Officer Emma Bowell, the report provided by Licensing Officer Nik James, the application and written representations in the report pack, as well as the evidence presented at the hearing by the premises licence holder's representative and the premises licence holder.

The Sub-Committee also considered the evidence presented by West Mercia Police and the Immigration Service produced following a Multi-Agency Operation that took place on 2 May 2025.

The Sub-Committee has taken into account the relevant policy and guidance

The Sub-Committee notes 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 submissions of the Police and Immigration Service and noted that there was a significant history of employing illegal workers at this premises. The Sub-Committee further noted that the Premises Licence had been reviewed previously and conditions imposed on the licence.

The Sub-Committee considered the submissions made by the premises licence holder's representative, on behalf of the Premises Licence Holder, carefully and took into account the length of time that the license had been held for.

In particular, it was submitted by the representative of the premises licence holder that the history of the premises did not apply to the current premises licence holder.

The Sub-Committee acknowledged the Premises Licence Holder's position that he did undertake some checks in respect of the employee's right to work. The Sub-Committee further acknowledged that the Premises Licence Holder had received legal advice in respect of his licence conditions and in particular on the appropriate right to work checks to undertake in respect of proposed employees.

The Sub-Committee considered that the breach of immigration law is serious, together with the previous breaches of the licence and history of review.

The Sub-Committee considered all options available to them, including whether additional conditions would be appropriate in this case. The sub-committee considers

that the additional conditions placed upon the licence will promote the licensing objectives.

However, should this premises licence come before the Sub-Committee in the future for review, for similar breaches, revocation of the licence will be seriously considered.

The meeting ended at 2.50 pm

Chairperson