

Title of report: Application for an expedited review in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP

Meeting: Licensing sub-committee

Meeting date: Friday 22 October 2021 at 11:00am

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

Hereford – Widemarsh

Purpose

To consider an application for an expedited review in respect of Razbari, 156 Eign Street, Hereford. HR4 0AP under the Licensing Act 2003 called by PC 2368 Chris Lea of West Mercia Police.

Recommendation(s)

That:

Sub-Committee determine the interim steps necessary to prevent serious crime or serious disorder (or both) at the premises and to promote the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

The steps that are necessary to assist with the prevention of serious crime or disorder or both

The representations (including supporting information) presented by all parties,

The Guidance issued under Section 182 of the Licensing Act 2003

The Herefordshire Council Licensing Policy 2020 - 2025

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003 and the Crime & Disorder Act 2006

Alternative options

1. There are a number of options open to the sub-committee:

The interim steps that the licensing authority can consider taking are:

Take no action or

Take any of the following steps: -

- (a) to modify the conditions of the licence;
- (b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence;

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect until the full review hearing.

Key considerations

Licence Application

2. The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of the Violent Crime Reduction Act 2006. The powers allow:

- The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
- The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

Applicant	PC 2368 Chris Lea of the West Mercia Constabulary	
Premise Licence Holder	MD Masud Ruhel Mintu	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 15.10.2021	Interim Steps Hearing 48 hours 16.10.2021 & 22.10.2021

Current Licence

3. The current licence (appendix 1) authorises the following licensable activities during the hours shown: -
Licensable activities authorised by the licence
Late Night Refreshment (Indoors) & Sale/Supply of Alcohol (For consumption on the premises)
Late Night Refreshment: Monday – Sunday 23:00 – 23:59
Sale/Supply of Alcohol: Monday – Sunday 17:00 – 23:59

The Grounds for the Review

4. The grounds for the review and the Superintendent's authority are contained in Appendix 2 of the background papers.
5. The committee have to decide what action should be taken, if any, to prevent further outbreaks of serious crime or disorder or both at the premises and how this will further promote the licensing objective of the prevention of crime.

History

6. This matter was brought before licensing sub-committee on 15 October 2021. The sub-committee were advised in that meeting that the records held by the Council indicated that Mrs Wahida Khatun held the premises licence and was also the Designated Premises Supervisor (DPS).
7. Following a query in respect of this raised under the licensing sub-committee meeting, an investigation by the Licensing Authority, showed that an application had been made in January 2019 to remove Mrs Khatun from the licence both as the premises licence holder and the DPS. The licence therefore should have been transferred to Mr Mintu.
8. Therefore to be clear, as of January 2019, Wahida Khatun was not the premises licence holder or DPS at the Razbari and Herefordshire Council apologises unreservedly for this error and any embarrassment that this will have caused Mrs Khatun.

Community impact

9. Any decision may have an impact on the local community.

Environmental Impact

10. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. There are no equality issues in relation to the content of this report.
13. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
14. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Resource implications

15. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as licensing authority.

Financial implications

16. There are unlikely to be any financial implications for the council, as licensing authority at this time.

Legal implications

17. The premise licence holder may make representations against the interim steps taken by the licensing authority. There is not a time limit for the premises licence holder to make representation on the interim steps, although this would be within the normal review period of 28 days. On receipt of representations and if they are not withdrawn, a hearing must be arranged within 48 hours of receipt.

Risk management

18. There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

Consultees

19. Copies of the application and certificate have been sent to the responsible authorities and served on the premises licence holder.

Appendices

Appendix 1 – Current Premises Licence

Appendix 2 - Application for expedited review & Superintendent's certificate

Background Papers

Relevant pages of the Section 182 Guidance Background papers

Please include a glossary of terms, abbreviations and acronyms used in this report.

Designated Premises Supervisor - DPS