
LICENSING SUB COMMITTEE

Thursday, 29th November, 2018

Present: Councillor Tim O'Kane (in the Chair), Councillors Melissa Fisher and Kath Pratt

230 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence.

There were no declarations of interest or dispensations.

231 Licensing Hearing Procedure

The Council's Conduct of Hearings Procedure to be used in relation to hearing required under the Licensing Act was submitted.

Resolved - That the Procedure be noted.

232 Licensing Act 2003 Determination Hearing, Whitecroft Indian Restaurant & Bar, Haslingden Old Road, Oswaldtwistle

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Ms. Peck) advised the Licensing Sub-Committee of an application that had been received for the review of the premise licence issued in respect of the Whitecroft Indian Restaurant & Bar, Haslingden Old Road, Oswaldtwistle, under Section 51 of the Licensing Act 2003 ("the Act") by a responsible authority namely the Home Office Immigration Department. The Licensing Manager informed the Committee that the Immigration Department had investigated the premises and found three people working illegally. Evidence in support of the application was set out in witness statements provided by Officers of the Immigration Enforcement Service. The evidence found that Mr Rahman had not made the required checks on the immigration status of the three illegal workers. The Committee was also requested to give consideration to the fact that one of the illegal workers had been known to reside at the premises in a flat not intended for residency.

Representatives of the Immigration Services were not in attendance at the meeting.

The applicant, Mr. Rihibur Rahman (Whitecroft Indian Bar & Restaurant), together with a representative had been invited to attend the Hearing and in that respect, the applicant's representative (Mr. Nick Dearing – Steele & Son Solicitors) was in attendance. Representations were made in response to the application in that Mr. Rahman had done everything possible to check the identity of the three illegal workers and their eligibility to work. Reference was also made to Mr. Rahman's previous good character and that he had accepted the seriousness of his failure to make the necessary checks and now realised the importance of complying with immigration legislation.

For the Committee's information a copy of the current licence was attached at Appendix 1, a copy of the review application was attached at Appendix 2, the statements were attached at Appendix 3 and a copy of the representation received and subsequent supporting documentation is attached at Appendix 4.

A copy of the Licensing Authority's 'Conduct of Hearings Procedure' had been submitted earlier in the meeting.

The Sub-Committee considered the application and representations made by the applicant. They took into account the statutory guidance pursuant to S 182 of the Licensing Act and having made its findings then considered which of the steps set out in Section 52(4) of the Licensing Act 2003 should be taken to promote the Crime Prevention Objective.

Decision of the Sub-Committee:-

- Resolved**
- (1) That, having taken into account Section 182 of the Licensing Act and considered Section 52(4) of the Licensing Act 2003 to promote the Licensing Objective relating to the prevention of crime and disorder, the premises licence for the Whitecroft Indian Bar and Restaurant remains in force but that a written warning be issued to Mr. Rahman; and**
 - (2) That the designated premises supervisor, having failed in his management duties, be removed pursuant to Section 52 of the Licensing Act 2003.**

Late Item S100B(4) Local Government Act

The following item was submitted as a late item with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the minutes are considered for approval at this meeting.

233 Minutes of the Last Meeting

The Minutes of the meeting of the Licensing Sub-Committee held on the 18th April 2018 were submitted for approval as a correct record.

- Resolved**
- That the Minutes be received and approved as a correct record.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed