

TITLE: APPLICATION FOR REVIEW OF PREMISES LICENCE UNDER SECTION 53C OF THE LICENSING ACT 2003

TO:- LICENSING SUB-COMMITTEE

DATE: 11.00am 29th November 2018

AT: QUEEN ELIZABETH ROOM SCAITCLIFFE HOUSE

BY: LICENSING MANAGER ON BEHALF OF THE EXECUTIVE DIRECTOR (LEGAL AND DEMOCRATIC SERVICES) (EXT 2146)

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider an application for the review of the premises licence relating to the Whitecroft Indian Restaurant and Bar, Haslingden Old Road, Oswaldtwistle, following the submission of an application under section 51 of the Licensing Act 2003 (“the Act”) by a responsible authority namely the Home Office Immigration Department.

2. RECOMMENDATIONS

- 2.1 That the Committee consider the application to review the premises licence for the Whitecroft Indian Restaurant and Bar made by the Home Office Immigration Department, and any submissions made by the premises licence holder.

3. INFORMATION

- 3.1 An application for the grant of a premises licence in relation to the Whitecroft Indian Restaurant and Bar was received on 8th July 2014 and was granted on 22nd August 2014.
- 3.2 Since the grant there has been one application submitted for the change of designated premises supervisor on 16th September 2014. The current designated premise supervisor is Shah Muhammed Abdul Minim.
- 3.3 The Whitecroft Indian Bar and Restaurant is situated on Haslingsden Old Road in Oswaldtwistle, and is quite remote from the main residential and commercial area of Oswaldtwistle. The current permissible activities and times are as follows:-

Activity	Permitted times
Performance of Live Music (Indoors)	Mon - Sun 1900 to 0000
Playing of recorded music (indoors)	Mon - Sun 1000 to 0000
Performance of dance (indoors)	Mon - Thur 1900 to 0000 Fri - Sun 1200 to 0000
Late Night Refreshment	Mon - Sun 2300 to 0000
Supply of alcohol on the premise	Mon - Sun 1200 to 0000
Premise opening hours	Sun - Thur 1000 to 0030 Fri - Sat 1000 to 0130

A copy of the current licence is attached at **Appendix 1**

- 3.6 On the 16th October 2018 an application for the review of the premises licence pursuant to section 51 of the Act was received from the Home Office Immigration Enforcement Team in its role as a responsible authority. The ground for the review relates to the licensing objective the prevention of crime and disorder. A copy of the review application is attached at **Appendix 2**.
- 3.7 The immigration officers have submitted statements in relation to a visit that took place at the premises on 21st September 2018 when they identified 3 people working illegally at the premise, contrary to immigration requirements. The statements are attached at **Appendix 3**.

4.0 Advertisement

- 4.1 The Licensing Authority advertised the application for review of the premises licence at the Scaitcliffe House, Town Hall, on the Council's website and on the premises itself in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.2 Responsible Authorities and other persons were invited to make representations in respect of the application for the review of the premises licence by 13th November 2018. The only representation that was received had been made by Steel and Son with Bagot Heyes Solicitors on behalf of the premise licence holder Mr Rihibur Rahman. A copy of the representation received and subsequent supporting documentation is attached at **Appendix 4**

5.0 Implications

- 5.1 The Act at section 52(2) and (3) states that, before determining the application, the licensing authority must hold a hearing to consider it and any relevant representations. It must, having regard to the application and any relevant representations, take such steps mentioned in section 52 (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- 5.2 The steps referred to in paragraph 6.1 above are:-
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.3 Where the licensing authority takes a step mentioned at a) or b) in paragraph 5.2 above in relation to the review, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 5.4 Any party to the hearing has the right of appeal to Lancashire Magistrates' Court following the determination of the review under section 52 of the Act.

For further information on the details of this report, please contact:
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