

REPORT: Regulatory Committee

DATE: 23 April 2014

REPORTING OFFICER: Chief Executive

PORTFOLIO Resources

SUBJECT: Application for the review of the premises licence relating to the Raj Tandoori 210 Warrington Road Widnes

WARDS: Halton View

1. PURPOSE OF REPORT

To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. The Police have applied for the review which relates to the Prevention of Crime and Disorder licensing objective.

2. RECOMMENDATION: That the Committee considers the Section 51 application

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 51 Licensing Act 2003 ("the 2003 Act") to review the Premises Licence in relation to the above property.
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with the Section 51 application.

4 THE APPLICATION

- 4.1** An application for the review of the premises licence was received on 26 February 2014 from Cheshire Constabulary.
- 4.2** The premises licence permits Late Night Refreshment between the hours of 23.00 and 04.00 each day, the supply of alcohol (on and off the premises) between the hours of 10.00 and 03.15 each day and the hours the premises are open to the public are 10.00 to 04.00 each day.
- 4.3** The Premises Licence holder is Shahid Muddsar
- 4.4** The Designated Premises Supervisor is Shahid Muddsar

4.5 The review was requested by Cheshire Constabulary on the following grounds:-

The grounds for this review are simply that the owner of the Raj Tandoori restaurant, Shahid MUDDSAR, is regularly and persistently employing immigrant workers who are either in this country illegally or working in contravention of their entry visas.

On three separate occasions officers from various agencies have visited the Raj Tandoori and on all three occasions found them to be almost totally staffed by workers who do not have the necessary working visas or, indeed, are in this country unlawfully.

The law on preventing illegal working is clearly set out in Sections 15 to 25 of the Immigration, Asylum and Nationality Act of 2006. The extent of the offences committed by MUDDSAR makes it apparent that he is constantly and deliberately ignoring these requirements.

These actions are in direct contravention of the above legislation but, with relevance to the Licensing Act of 2003, are clearly not supporting the Prevention of Crime and Disorder Licensing Objective.

NOTE – a full copy of the review application together with any further information received from the Premises Licence Holder or the Applicant - Cheshire Constabulary will be forwarded to the Committee members prior to the hearing.

5.1 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

No representations were made from any other responsible authority in response to the review application

6.1 REPRESENTATIONS RECEIVED FROM OTHER PERSONS

No representations were made from other persons in response to the review application.

7.0 OPTIONS AVAILABLE TO THE COMMITTEE

7.1 Section 52 of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

7.2 The steps which are relevant to this type of application

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

7.3 The Committee must act with a view to promoting the licensing objectives, namely:

- (a) the prevention of crime and disorder
- (b) public safety
- (c) the prevention of public nuisance
- (d) the protection of children from harm

The Committee must also have regard to:-
The Councils Statement of Licensing Policy, and
The Statutory Guidance issued by the Secretary of State.

8 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary