

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 13 JULY 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING -
<DATE>

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Jerome Davidson
Cllr Maxine Gale

Cllr James Staunton

Apologies

Also Present

18. ELECTION OF CHAIR (Agenda item 1.)

Cllr Jerome Davidson was elected as Chair at last meeting on 3 July where hearing was postponed.

19. LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE - THE RAJASTHAN RESTAURANT, 103 LONG GORE, FARNCOMBE, GODALMING, SURREY GU7 3TW (Agenda item 2.)

This decision notice refers to the request for a review of the premises licence for the Rajasthan by the Home Office (Immigration Enforcement).

REASONS

The Licensing panel convened in person on 13 June 2023 to determine an application to review the premises licence, the hearing having been adjourned from the 3 July as the premises licence owner, Mr Rahman was reportedly unwell .

Mr Hughes, Licensing Manager outlined the application and members heard from the applicant responsible authority (Home Office Immigration Service) and outlined a number of developments which had occurred overnight concerning the Designated Premises Supervisor and the transfer of the Licence Holder.

On this occasion Mr David Dadds attended and introduced himself as well as his colleague as Counsel advocate for the new premises Licence Holder as a result of the transfer which had taken place. Mrs Choudhary (new premises Licence Holder) was also present. .

The responsible authority, Home Office Immigration Officers were also present who set out the basis of the application and review.

The licensing committee were advised, that since the adjourned meeting, the premises licence had now been transferred to Mr Rahman's daughter Mrs Choudhary and she was in the process of applying to become the DPS. Mr Rahman had been removed as DPS with immediate effect, and it was clarified that as there was not any DPS in place, no alcohol could be sold from the premises.

The Licensing panel carefully considered all the relevant information including

- Written and oral representations made by the parties
- The licensing act 2003 and the steps appropriate to promote the licensing objectives
- The guidance issued under section 182 of the Licensing Act 2003 (the statutory guidance)
- Waverley's statement of licensing policy
- The human rights act 1998

The Committee took into consideration the committee report, and application which explained events and background and sought revocation of the licence of the premises following a number of incidents of employing illegal workers.

It was noted by the committee that there had been no other representations made by any of the other responsible authorities.

The Home Office Immigration Officers advised during the hearing that there had been a series of three distinct incidents of illegal workers at the premises in 2016, 2017 and 2023. It was explained that fines of £20,000 had been imposed in 2017 and a further £15,000 fine had been imposed in respect of the recent incident.

Mr Dadds advised on behalf of his client that Mrs Choudhary appreciated the severity of the situation and invited a short period of suspension. Mr Dadds explained that his client had worked for her father for some period of time but it was he who had made all decisions relating to the premises alongside her mother who was Director of the company. It was clarified that Mr and Mrs Rahman had agreed to retire from the business and be excluded from any involvement in the business. It was intended that Mrs Choudhary would take on the premises as a sole trader.

Following deliberation the sub-committee resolved to SUSPEND the premises licence for a period of 3 MONTHS for the following reasons:

The committee seriously considered revocation of the licence and mindful of the statutory section 182 guidance (paragraph 11.27) in particular.

The committee took account the issue upon both the wider community and the individual licence holder.

The committee was concerned to note that there is a well-documented history at the premises, accepted by the premises licence holder. The Committee felt that in order to promote the licensing objectives it is necessary and proportionate to suspend the licence for a period of three months. The decision was made on the basis that the premises licence holder was present and involved in the operation throughout and

adequate steps had not been put in place to deal with earlier issues arising and there is clear evidence of disregard for the crime and disorder objective.

The committee has an obligation to do all that it reasonably can to prevent crime and disorder in its area under section 17 Crime and Disorder Act 1998.

The decision is necessary and proportionate in the committee's view.

The committee welcome and agree that a condition is also necessary to exclude Mr Aminur Rahman and Mrs Mohon Begum Rahman from the premises site.

Equally the committee urges the premises licence holder to seek advice and ensure proper procedures are in place before moving forwards.

20. LEGAL ADVICE (Agenda item 3.)

Legal advice was sought throughout the hearing and deliberation.

The meeting commenced at 1.00 pm and concluded at 3.00 pm

Chairman